

**IN THE SUPREME COURT OF INDIA  
CONTEMPT PETITION (CRIMINAL) NO.3 OF 2019  
IN  
REVIEW PETITION (CRL.) NO.46 OF 2019  
IN  
W.P. (CRL.) NO. 298 OF 2018**

**IN THE MATTER OF:**

MEENAKSHI LEKHI

...PETITIONER

VERSUS

RAHUL GANDHI

... RESPONDENT

**FOR INDEX PLEASE SEE INSIDE**

**ADVOCATE FOR THE RESPONDENT: SUNIL FERNANDES**

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I

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**IN THE MATTER OF:**

MEENAKSHI LEKHI

.... PETITIONER

VERSUS

RAHUL GANDHI

... RESPONDENT

**AFFIDAVIT**

I, Rahul Gandhi, S/o Late Shri Rajiv Gandhi, aged 48 years, R/o 12 Tughlak Lane, New Delhi 110011, do hereby solemnly affirm and declare as under:

1. The answering Respondent is filing this affidavit by way of explanation pursuant to the order of this Hon'ble Court dated 15.04.2019 wherein it was stated as follows:

*"We have considered the matter. We make it clear that this Court had no occasion to record any view or finding or make any observation as allegedly attributed to the Court by the respondent inasmuch as what was decided by this Court was a purely legal question of admissibility of certain documents to which objections were raised by the learned Attorney General. Having clarified the matter, we deem it proper to ask the respondent for his explanation which will be laid before us on or before 22.04.2019."*

2. The answering Respondent came to know of the order dated 10.04.2019 passed by this Hon'ble Court in Review Petition (Crl.) No.46/2019 in W.P.(Crl.) No.298/2018 (hereinafter referred to as the

'Order'), without having seen or read the order, through electronic and social media reports on the late morning of 10.04.2019 while he was travelling in Amethi. The context in which the answering Respondent made this statement is as described below:

3. The answering Respondent walked into the District Collector's Room in Amethi at approximately 12:45 p.m. for filing his nomination and came out of the room at approximately 1:15 p.m. An unscheduled, gathered crowd of local journalists belonging to the press corps accosted the answering Respondent and sought his reaction to the Hon'ble Supreme Court's order of earlier that morning. The answering Respondent's brief statement to the media was made in this context of and during hectic political campaigning without having seen, read or analyzed the order at that stage. It was made on the basis of a bonafide belief and general understanding of the Order as being talked about in electronic and social media reportage and by several workers and activists surrounding the Respondent. A copy of the brief statement made to the media along with translation is annexed hereto as ANNEXURE – R/1. (at Pages No. 20 to 24 ) Statement to similar effect were made later in the day by the Respondent at Katihar in Bihar where the Respondent flew the same day after Amethi.
4. At the outset it is clarified that the answering Respondent did not have the slightest or remotest intention, desire or even thought process, to bring the court into the political arena or bring it into disrepute or

attribute to it deliberately or willfully that which the court had not said or meant. The answering Respondent's response was based upon the immediate general perception that in the review petition filed in the so called Rafale case, this Hon'ble Court had reopened the case for hearing, that the Court had not allowed the shutting out of new facts and documents as desired by the Government and that there was generally a sense of victory and exhilaration amongst those who had been campaigning for inquiry into the Rafale issue. A copy of the Review Petition titled Yashwant Sinha and Ors. vs. Central Bureau of Investigation and Ors. (R.P. (Crl.) 46 of 2019) is annexed hereto as ANNEXURE - R/2. (at Pages No. 25 to 58 )

5. It is also noteworthy that the Rafale issue had been and continues to be one of the most prominent political and social issues in this country for many months and despite the matter being *subjudice*, has been the subject of incessant discussion in civil society and the media. Moreover, the Hon'ble Prime Minister of India gave an interview to ABP News channel which was aired on prime time and on social media on 06.04.2019 wherein, in reply to a question about the Rafale deal, the Prime Minister clearly suggested that the Hon'ble Supreme Court of India had given him a clean chit in the Rafale deal and that the channel was asking him about a "false news" as per the Supreme Court. Several limbs of the Government and of the ruling party have repeatedly stated that the order dated 14.12.2018 of this Hon'ble

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Court constitutes a clean chit to the government. A sample set of such statements is quoted below in para 13.

6. It was in this context that the Hon'ble Court's order dated 10.04.2019 rejecting the challenge of maintainability of the review petition by the Government and deciding to go ahead with the hearing of the matter was seen generally as a vindication of the stand of several sections opposed to the government and the ruling party. A copy of the Reply of Union of India in R.P. (Crl.) 46 of 2019 is enclosed and is annexed hereto as ANNEXURE - R/3. (at Pages No.59 to 70 )
7. The fact that the objection to maintainability was rejected and the fact that this Hon'ble Court felt it fit to consider the review petition on merits gave rise to a bona fide impression in the mind of the answering Respondent that the Court did find and had found sufficient grounds to re-examine the matter, in view of the fact that the review petition had *inter alia* raised serious issues about the concealment of information by the Government and had noted certain subsequent developments including the confidential documents which had come into the possession of the review petitioner. It is significant that the review petition was not dismissed in chambers but was in fact being heard in open court by the Hon'ble Supreme Court of India.
8. Although the words of the specific statements attributed to the answering Respondent are available in the public domain and are largely not controverted as stated in Annexure - R1 herein by the Respondent, it is the meaning, interpretation, implication and effect of

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the words which is deliberately sought to be distorted and made tendentious by the Petitioner for political purposes.

9. At the outset, it is reiterated that there was not the slightest intention to insinuate anything regarding the Supreme Court proceedings in any manner. The answering Respondent holds this Hon'ble Court in the highest esteem. The answering Respondent has not done nor remotely intended to do anything to lower the majesty of this Hon'ble Court in any manner whatsoever. There is no intention, direct, indirect, remote, implied or an attempt in any other manner to violate any court order, obstruct the administration of justice, or prejudice or interfere with the due course of any judicial proceedings, or scandalize the court in any manner. The said statements were made by the answering Respondent in Hindi in a rhetorical flourish in the heat of the moment. It was during a political campaign without a readable copy of the Supreme Court order being available on its website and, therefore, without the answering Respondent having seen or read the order and relying upon electronic and social media reportage and the version of workers and activists surrounding the Respondent.
10. The answering Respondent had meant to convey that the judgment dated 14.12.2018 was neither final nor binding. It had become the subject matter of review proceedings, which are being heard in open court. The objection to the maintainability of the writ petition had been dismissed. By directing the matter to be heard on merits, the



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Supreme Court had found sufficient material to have a relook at the matter.

11. On 10.04.2019, at the time of and in my statement, the issues relating to court proceedings unfortunately got juxtaposed and mingled with a political slogan being used extensively by answering Respondent's party as well as answering Respondent for the last several months, which is a matter of intense and frenzied public debate during the ongoing Lok Sabha elections. That slogan is "*Chowkidar Chor Hai*". The answering Respondent would take this opportunity to reaffirm his stand and belief and that of his party that the Rafale deal is a tainted transaction and a gross and brazen abuse of executive power and a leading example of the corruption of the BJP Government led by Prime Minister Modi, which deserves to be investigated thoroughly by a Joint Parliamentary Committee and proceeded against thereafter. However, it is ex hypothesi clear and obvious that no court, much less the Apex Court, would adopt, endorse or uphold a political slogan like the above. It is unfortunate that this slogan got intermingled with my comments on and references to the Apex Court's order dated 15.04.2019. My statement was made in the heat of political campaigning. It has been used (and misused) by my political opponents to project that I had deliberately and intentionally suggested that this Court had said *Chowkidar Chor Hai*! Nothing could be farther from my mind. It is also clear that no court would ever do that and hence the unfortunate references (for which I express

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regret) to the court order and to the political slogan in juxtaposition the same breath in the heat of political campaigning ought not to be construed as suggesting that the court had given any finding or conclusion on that issue.

12. As a responsible political and public figure as also as the head of a 130 year old political party, the answering Respondent does understand that the said juxtaposition of the political and legal stands has been fully clarified by the order of this Hon'ble Court dated 15.04.2019 to which the answering Respondent humbly bows down.
13. As stated in para 5 above, pursuant to the judgment dated 14.12.2018, multiple statements were attributed to the Hon'ble Supreme Court by various senior leaders of the Bharatiya Janata Party and members of the Council of Ministers, including the Prime Minister Mr. Narendra Modi, extracts of which are produced herein below:

S. No.	Name	Statement	Date & Place/Source
1.	Shri Narendra Modi	<p>"It is also the duty of the independent media to ask questions from those making baseless allegations when the Supreme Court and the CAG have cleared the deal."</p> <p>(Spoken in English)</p>	<p>16 April 2019</p> <p>New Indian Express</p> <p>(Available at <a href="http://www.newindianexpress.com/nation/2019/apr/16/exclusive-interview--corruption-free-government-is-possible-prime-minister-narendra-modi-1964762.html">http://www.newindianexpress.com/nation/2019/apr/16/exclusive-interview--corruption-free-government-is-possible-prime-minister-narendra-modi-1964762.html</a>)</p>

S. No.	Name	Statement	Date & Place/Source
2.	Shri Narendra Modi	<p>“As far as Rafale issue is concerned, even the opposition wasn't using it much. One individual kept repeating the same lie. And everywhere, these lies were rejected. Whether in the Supreme Court or by the CAG.”</p> <p>(Spoken in English)</p>	<p>9<sup>th</sup> April 2019</p> <p>News18</p> <p>(Available at <a href="https://www.firstpost.com/india/narendra-modi-interview-to-news18-live-updates-demonetisation-was-needed-to-speed-up-formalisation-of-economy-says-pm-6416931.html">https://www.firstpost.com/india/narendra-modi-interview-to-news18-live-updates-demonetisation-was-needed-to-speed-up-formalisation-of-economy-says-pm-6416931.html</a>)</p>
3.	Shri Narendra Modi	<p>पत्रकार: “क्या यह झूठ है कि आपने अनिल अंबानी का राफेल का सौदा करवा कर फायदा नहीं पहुंचाया है”</p> <p>नरेन्द्र मोदी: “आप सुप्रीम कोर्ट में भी भरोसा नहीं करोगे”</p> <p>Journalist: Is it wrong that you have not helped Anil Ambani in getting benefits out of the Rafale deal?</p> <p>Narendra Modi: You do not have belief in Supreme Court aswell?</p> <p>(English Translation)</p>	<p>6<sup>th</sup> April 2019</p> <p>ABP News</p> <p>(Source:<a href="https://twitter.com/abpnewstv/status/1114563719961415680">https://twitter.com/abpnewstv/status/1114563719961415680</a>)</p>
4.	Shri Narendra Modi	<p>“माइयो और बहनों, सुप्रीम कोर्ट से लेकर सी ए जी तक, हर संस्था कह रही है कि भारत सरकार ने सही निर्णय किया है, सही समय पर किया है, सही सौदा किया है और देश के हित में किया है”</p> <p>Friends, from Supreme</p>	<p>3<sup>rd</sup> March 2019</p> <p>Amethi</p> <p>(Source:<a href="https://www.narendramodi.in/text-of-pm-s-address-at-the-unveiling-of-various-">https://www.narendramodi.in/text-of-pm-s-address-at-the-unveiling-of-various-</a>)</p>

S. No.	Name	Statement	Date & Place/Source
		<p>Court to CAG every institution is saying that Government of India has taken the right decision, at the right time and the right deal has been struck in the interest of nation.</p> <p>(English Translation)</p>	development-projects-in-amethi-up-544092)
5.	Shri Rajnath Singh	<p>“सुप्रीम कोर्ट तक राफेल पर सरकार को क्लीन चिट दे चुकी है, लेकिन कांग्रेस उसे भी मानने को तैयार नहीं है”</p> <p>Supreme Court too has given a clean chit to Government, but Congress refuses to believe the same.</p> <p>(English Translation)</p>	<p>13 February 2019</p> <p>New Delhi</p> <p>(Source:<a href="https://www.jagran.com/politics/national-bjp-reverses-congress-on-rafale-issue-18944685.html">https://www.jagran.com/politics/national-bjp-reverses-congress-on-rafale-issue-18944685.html</a>)</p>
6.	Shri Amit Shah	<p>“सर्वोच्च न्यायालय का फैसला आया और उसने कह दिया, राफेल सौदे में कोई जांच की जरूरत नहीं है इसमें किसी को फेवर नहीं हुआ है”</p> <p>Supreme Court's verdict came and they have said that no enquiry is necessary in the Rafale Deal and no favour has been done to anyone.</p> <p>(English Translation)</p>	<p>12 January 2019</p> <p>New Delhi</p> <p>(Available at <a href="https://www.youtube.com/watch?v=DFVH54ckvP8">https://www.youtube.com/watch?v=DFVH54ckvP8</a>)</p>
7.	Smt. Sushma Swaraj	<p>“All the controversy issues that you raised, the Supreme Court has clarified on each of them.”</p>	<p>3 January 2019</p> <p>New Delhi</p> <p>(Available at:</p>

S. No.	Name	Statement	Date & Place/Source
			<a href="https://economictimes.indiatimes.com/news/politics-and-nation/all-issues-raised-by-congress-on-rafale-clarified-by-supreme-court-sushma-swaraj/articleshow/67363988.cms">https://economictimes.indiatimes.com/news/politics-and-nation/all-issues-raised-by-congress-on-rafale-clarified-by-supreme-court-sushma-swaraj/articleshow/67363988.cms)</a>
8.	Shri Narendra Modi	<p>“तीसरी बात है सुप्रीम कोर्ट तक मसला clear हो चुका है। सुप्रीम कोर्ट ने उसके बाल की खाल उधेड़ करके सारी चीजे निकाल करके रख दी है। फ्रांस के राष्ट्रपति जी ने बयान दे दिया है, भारत के प्रधानमंत्री ने बयान दे दिया है”</p> <p>Third point is even till Supreme Court the matter has been cleared. The Supreme Court has thrashed out all the issues threadbare in detail. The Prime Minister of France has given a statement, Prime Minister of India has given a statement.</p> <p>(English Translation)</p>	<p>1 January 2019</p> <p>ANI</p> <p>(Source: <a href="https://twitter.com/rsprasad/status/1080727188842762240">https://twitter.com/rsprasad/status/1080727188842762240</a>)</p>
9.	Shri Ravi Shankar Prasad	<p>Rajdeep Sardesai: “The Supreme Court has said that we will not go into the issue of pricing, we will not go into the issue of offset clauses. They’ve not given a clean chit. You are saying that it’s a clean chit. The</p>	<p>17 December 2018</p> <p>India Today</p> <p>(Source: <a href="https://www.youtube.com/watch?v=IZmllZB9bQw">https://www.youtube.com/watch?v=IZmllZB9bQw</a>)</p>

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S. No.	Name	Statement	Date & Place/Source
		<p>Opposition on the other hand is saying you have misled the Supreme Court.”</p> <p>Ravi Shankar Prasad: “Just a minute, please go through judgment again. What is the concluding part? Mere on perceptions we will not order enquiry. This deal has no commercial vested interest. Therefore, regardless of PAC observation purely on merit the Supreme Court has clearly repelled the kind of lie the Congress Party has spread has been given a complete knockdown.”</p>	
10.	Shri Arun Jaitley	“The Supreme Court judgment is clear. Every word said against the Government has proved to be false.”	<p>16 December 2018</p> <p>Blog</p> <p>(Available at: <a href="https://www.arunjaitley.com/rare-fale-lies-shortlived-lies-and-now-further-lies/">https://www.arunjaitley.com/rare-fale-lies-shortlived-lies-and-now-further-lies/</a>)</p>

A copy of transcripts of some interviews available in public domain along with relevant translations is enclosed herewith and marked as ANNEXURE – R/4 .(at Pages No. 71 to 105 )

14. These imputations to the Supreme Court are false and untrue as is clear from the various extracts of the said judgment itself viz:

*“11.....It is our considered opinion/view that the extent of permissible judicial review in matters of contracts, procurement, etc. would vary with the subject matter of the contract and there cannot be any uniform standard or depth of judicial review which could be understood as an across the board principle to apply to all cases of award of work or procurement of goods/material. The scrutiny of the challenges before us, therefore, will have to be made keeping in mind the confines of national security, the subject of the procurement being crucial to the nation’s sovereignty.”*

*“22.....It will not be correct for the Court to sit as an appellate authority to scrutinize each aspect of the process of acquisition.”*

*“26.....It is certainly not the job of this Court to carry out a comparison of the pricing details in matters like the present.”*

*“33.....Once again, it is neither appropriate nor within the experience of this Court to step into this arena of what is technically feasible or not.”*

*“34. ....We, however, make it clear that our views as above are primarily from the stand point of the exercise of the jurisdiction under Article 32 of the Constitution of India which has been invoked in the present group of cases.”*

15. The answering Respondent would also submit that his statement on 10.04.2019 had also been made in that context, purely politically, to counter the aforesaid misinformation campaign being led by senior functionaries of the BJP as well as the Government that the judgment of this Hon’ble Court dated 14.12.2018 was a clean chit to the Government regarding all the aspects of the Rafale deal. However, it is unfortunate that the formulation of that counter political response

got juxtaposed with reference to the court order, leading to the present unfounded allegation of the petitioner that the answering Respondent was putting words into the mouth of the Hon'ble Court, which, as stated above, was nowhere the remotest intention or object of the Respondent.

16. The Contempt Petition itself is an abuse of process of this Hon'ble Court in as much as an intention is sought to be imputed to the answering Respondent, which is non-existent. The answering Respondent vehemently denies any such imputation. Each and every contention and insinuation of the contempt petition is denied. There was no attempt to willfully misrepresent the order of this Hon'ble Court. The question of willfully intending to prejudice the public against Sh. Narendra Modi as is strangely suggested by the Petitioner in Para 14 of the Contempt Petition does not arise in view of the fact that it is the firm belief of the answering Respondent that Sh. Narendra Modi is involved in misdemeanors in the Rafale deal and this has been the stand of several persons in political discourse over the last year.
17. In any event, without prejudice to the above, misrepresentation of a public figure cannot be the basis of and is irrelevant to a contempt petition. Indeed by this petition, the petitioner is seeking to drag the court into a political controversy for personal gains and political mileage. Moreover, the petitioner for purely political and ulterior



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motives is attempting to gag the Respondent qua a political discourse in the political arena during ongoing elections.

18. It is further denied that trading of contentions with respect to the Rafale deal between political parties in any way lowers the authority and majesty of this Hon'ble Court. However, there should be no misrepresentation of any order of this Court and the Respondent never intended to do so.
19. Without prejudice to the above contentions, it is further stated that the Petitioner is trying to belittle and circumscribe the powers of this Hon'ble Court by suggesting that the Court would come into disrepute if it made a negative declaration against a constitutional functionary (See para 14 of the Contempt Petition). It is most respectfully submitted that such an assertion is contrary to law and contemptuous of the powers of this Hon'ble Court. No one, how so ever high, is beyond or above the law, and such contentions of the petitioner suggest that some people are. The said contempt petition ought to be dismissed with costs in view of the above facts and circumstances.
- 19A. Finally, the answering Respondent most humbly and respectfully submits that if the aforesaid explanation sought by the Hon'ble court vide order dated 15.04.2019 requires any elaboration or further details, the answering Respondent craves leave and liberty to furnish the same at any time.

PARA WISE REPLY TO PETITION:

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20. That the contents of para 1 are a matter of record to the extent that the Applicant is a Member of Lok Sabha and an Advocate. It is however disputed and denied that the Respondent has committed a “criminal contempt” as defined under section 2(c) of the Contempt of Courts Act, 1971. The contents of para 3 – 7, 9, 11, 12, 14 – 19A of the present Affidavit are reiterated.
21. That the contents of para 2 as stated are denied as misconceived and contrary to law. This Hon’ble Court ought to dismiss this petition with cost as it constitutes an abuse of process.
22. That the contents of para 3 are disputed and denied. It is denied that the answering Respondent has made the utterances in the name of this Hon’ble Court. Further, the Respondent vehemently disputes and denies the contents of the para inasmuch as the transcript as well as the translation is completely fabricated and gives a false impression and narration of facts. It is therefore denied that the Respondent made the utterances in respect of the proceedings pending before this Hon’ble Court in presence of several media persons on 10.04.2019 who had gathered at Amethi while the Respondent went there to file his nomination form. The contents of para 3 and 4 of the present Affidavit are reiterated.
23. That the contents of Para 4 are disputed and denied. It is denied that the utterances of the Respondent are contemptuous as they seek to misrepresent the order pass by this Hon’ble Court in a pending matter willfully intending to prejudice the public against the Hon’ble Prime

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Minister in the name of this Hon'ble Court. In addition to the submissions made in the accompanying Affidavit it is reiterated that there was no willful disobedience or mala fide intent on the part of the answering Respondent. The answering Respondent reaffirms the intention with which the said statements were made and undertakes that he will not attribute any views, observations or findings to the Court in political address to the media and in public speeches, unless such views, observations or findings are recorded by the Court. Further, the rest of the contents of Para 4 containing the details of annexures are disputed for want of knowledge. The contents of para 3 and 4, 9, 10 and 11 of the present Affidavit are reiterated.

24. That the contents of para 5 & 6 to the extent inconsistent with what is stated in the previous paras hereinabove is disputed and denied. It is reiterated that there was not the slightest intention on the part of Respondent to insinuate anything regarding the Court proceedings in any manner. The Respondent holds this Hon'ble Court in the highest esteem, and has not done nor remotely intends to do anything to lower the majesty of this Hon'ble Court in any manner whatsoever. The contents of para 3 – 7, 9, 11, 12, 14 – 19A of the present Affidavit are reiterated.
25. The contents of para 7 are disputed and denied as being arbitrary, erroneous and factually incorrect. It is completely denied that the utterances misrepresenting the order of this Hon'ble Court are deliberate and willfully scandalous and tend to lower the authority and

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majesty of this Hon'ble Court by misrepresentation, by suggesting that the highest judiciary of this country would be declaring constitutional functionaries as "thieves". It is denied that the Respondent had such intentions which would amount to deliberate and willful contempt of this Hon'ble Court. The contents of para 11, 14, 15 of the present Affidavit are reiterated.

26. The contents of para 8 and 9 are a matter of record and need no reply.
27. That the contents of para 10- 13 are a matter of record and need no reply.
28. That the contents of para 14 are disputed and denied. It is denied that upon pronouncement of the said order dated 10.04.2019 which merely decided that the documents, though unauthorisedly obtained, can be permitted to be relied upon by the review petitioners at the time of the hearing of the review petitions, the Respondent deliberately made the above utterances ascribing certain false things to this Hon'ble Court and the order passed therein and thereby causing prejudice in the minds of the people against the Hon'ble Prime Minister of India. It is further denied that there is misrepresentation of court proceedings, and maligning of opponents in the name of this Hon'ble Court to take a political advantage during the ongoing process of election which aggravates the said contempt as the same tends not only to prejudice the public against the Hon'ble Prime Minister who is a party to the proceedings, but also against all the candidates and party workers who are contesting the elections or working in the election process in

different capacities as party workers under the Hon'ble Prime Minister's leadership. It is further denied that the answering Respondent undermined the majesty of this Hon'ble Court and the sanctity of its proceedings/orders. The contents of para 15, 16, 17, 18 and 19 of the present Affidavit are reiterated.

29. The contents of para 15 is disputed and denied. It is disputed and denied that the Respondent is dragging the highest judiciary of the country as a part of political campaign. It is submitted that the contempt petition is in itself a brazen abuse of process of this Hon'ble Court inasmuch as an intention is sought to be imputed that the answering Respondent was attempting to lower the prestige of the court and to interfere with the process of the court which, as already explained was not the case. Furthermore, misrepresentation of a public figure (in the present case the Hon'ble Prime Minister and other candidates of the ruling dispensation) cannot be the basis of allowing a contempt petition under Section 2(c) of the Contempt of Courts Act, 1971; relief which has been sought by way of the present petition under the garb of alleged contempt of the highest court, only to seek political mileage, should in fact be condemned at the very outset. The contents of para 11, 14, 15, 18, 19 and 19A of the present Affidavit are reiterated.

30. That the contents of Para 16 are disputed and denied for want of knowledge.

REPLY TO PRAYERS:

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31. That in view of the above it is submitted that the present Petition be dismissed in limine at the very threshold with costs. It is further submitted that by this petition, it is the Applicant-Petitioner who is seeking to drag the court into a political controversy for personal gains and political mileage.
32. The answering Respondent is grateful for the clarification by this Hon'ble Court. The answering Respondent reaffirms the afore stated and elaborated intention with which the said statements were made and undertakes that he will not attribute any views, observations or findings to the Court in political addresses to the media and in public speeches, unless such views, observations or findings are recorded by the Court. It is respectfully prayed that the Petition may be dismissed with costs.

**DEPONENT**

**VERIFICATION:**

Verified that the contents of the above affidavit, as contained in Para Nos. 1-6, 8-13, and 19-31 of the above Affidavit are true and correct to my knowledge and as per information derived from the records, whereas Para Nos. 7, 14-18 are believed by me to be true based on the legal advice given to me. No part of it is false and nothing has been concealed therein.

**DEPONENT**

PLACE:

DATE:

Drawn by: Avishkar Singhvi, Adv.  
Madhavi Khanna, Adv.  
Udayan Verma, Adv.  
Kaustubh Singh, Adv.

Settled by: Dr. Abhishek Manu Singhvi, Sr. Advocate

**Transcript of Shri Rahul Gandhi's Press bite after his nomination on 10<sup>th</sup> April 2019.**

**राहुल गांधी** — सबसे पहले, अभी मैंने अपना नॉमिनेशन फाइल किया है। इससे पहले मैंने वायनाड में नॉमिनेशन फाइल किया। तो सबसे पहले मैं अमेठी की जनता और वायनाड की जनता को दिल से धन्यवाद देना चाहता हूँ कि इतना प्यार उन्होंने मुझे दिया। अच्छा अब चलते हैं, नहीं बता रहा हूँ।

**पत्रकार** — राहुल जी नहीं नहीं, राहुल जी सुप्रीम कोर्ट

**राहुल गांधी** — अब चलते हैं राफेल मामले पे, अब कुछ दिन पहले प्रधानमंत्री जी का एक Interview आया था और उसमें प्रधानमंत्री जी ने कहा। पहली बार उन्होंने वो पत्रकार से मतलब, वो उनका Structured Interview होता है वो किया, और पत्रकार से उन्होंने कहा कि सुप्रीम कोर्ट ने मुझे सफाई दी है। सुप्रीम कोर्ट ने मुझे Clean चिट दी है। वगैरा वगैरा ने मुझे Clean चिट दी है। आज सुप्रीम कोर्ट ने Clear कर दिया है कि चौकीदार जी ने चोरी करवाई है। सुप्रीम कोर्ट ने accept किया है कि राफेल मामले में कोई ना कोई Corruption, कोई ना कोई भ्रष्टाचार हुआ है। और जैसे मैं पहले से कह रहा हूँ अगर राफेल मामले पे investigation होगा तो दो नाम हैं, भाइयों और बहनों दो नाम हैं, नरेन्द्र मोदी जी और अनिल अंबानी जी। मुझे बहुत खुशी हो रही है कि जो मैं महीनों से कह रहा हूँ कि हिंदूस्तान के प्रधानमंत्री ने Air Force का पैसा चोरी कर के अनिल अंबानी जी को दिया

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है। 30,000 करोड़ रुपये दिये हैं। उस बात को आज सुप्रीम कोर्ट ने मान लिया है और सुप्रीम कोर्ट investigation करने जा रही है।

**पत्रकार** — आप debate के लिए Challenge कर रहे हैं उनको।

**राहुल गांधी** — मैं रोज debate के लिए Challenge कर रहा हूँ। नरेन्द्र मोदी जी मैं आपको direct Challenge कर रहा हूँ।

**पत्रकार** — ये आपकी नैतिक जीत है आपको लगता है।

**राहुल गांधी** — मैं देखिए, हर रोज challenge कर रहा हूँ और मैं फिर से challenge करता हूँ, नरेन्द्र मोदी जी सुप्रीम कोर्ट ने आपके बारे में कहा है कि आपने भ्रष्टाचार किया है। आपने अनिल अंबानी को 30,000 करोड़ रुपये दिये। आइये मेरे साथ, मेरे सामने आइये, मिलकर हम भ्रष्टाचार पर देश के सामने discuss कर लेते हैं। नरेन्द्र मोदी जी मेरे साथ आइये, प्यार से, debate करते हैं। देश राफेल मामले के बारे में जानना चाहता है, भ्रष्टाचार के बारे में जानना चाहता है, नोटबंदी के बारे में जानना चाहता है, अमित शाह के पुत्र के बारे में जानता है। 2 मिनट आ जाइए, 15 मिनट बात कर लीजिए हमारे साथ।

**पत्रकार** — कहां पर सर?



राहुल गांधी — कहां, जहां नरेन्द्र मोदी मुझसे debate करना चाहें, टी.वी. पर debate करना चाहें। मैं देश को बता रहा हूं कि राफेल मामले में खुल्लम-खुल्ला भ्रष्टाचार हुआ है। चौकीदार जी ने अनिल अंबानी को 30,000 करोड़ रुपये दिए हैं। चौकीदार मुझसे debate करना नहीं चाहता हैं। क्योंकि चौकीदार जी जानते हैं जिस दिन मेरे साथ उन्होंने debate कर दिया भ्रष्टाचार पर वो हिन्दुस्तान की आंख में आंख नहीं मिला पाएंगे। मैं फिर से सुप्रीम कोर्ट का धन्यवाद करना चाहता हूं। पूरा देश कह रहा है चौकीदार के बारे में कह रहा है कि चौकीदार ने चोरी की है और आज बहुत खुशी का दिन है सुप्रीम कोर्ट ने न्याय की बात की है। Justice has prevailed, Supreme Court has said चौकीदार ने चोरी की है। Thank you very much.

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**Rahul Gandhi:** First of all, just now I have filed my nomination. Prior to this, I had filed my nomination from Wayanad. So, to begin with, I want to thank the people of Amethi and Wayanad with all my heart for having given me so much love. Ok, now let us move on.

**Journalist:** Rahul Ji, no no; Rahul Ji Supreme Court?

**Rahul Gandhi:** Now let us move on to the Rafale matter. Some days ago an interview of the Hon'ble Prime Minister was aired and in that the Hon'ble Prime Minister said; for the first time a structured interview took place, which he did and he said to a journalist that the Supreme Court has cleared me. The Supreme Court has given me a clean chit, so and so have given me a clean chit. Today the Supreme Court has made it clear that Chowkidar Ji has had a theft perpetrated. Supreme Court has accepted that in the Rafale matter some or the other corruption has taken place. And, as I have been saying from earlier, if there is an investigation into the Rafale matter then there are two names, brothers and sisters, there are two names: Narendra Modi Ji and Anil Ambani Ji. I am very happy that what I have been saying for some months that India's Prime Minister has stolen the money of the Air Force and given it to Anil Ambani. Rs. 30,000 crores has been given. The Supreme Court has accepted this and the Supreme Court is going to investigate this.

**Journalist:** Are you challenging him to a debate?

**Rahul Gandhi:** Everyday I am challenging him to a debate. Narendra Modi Ji, I am directly challenging you to a debate.

**Journalist:** Do you feel this is a moral victory for you?

**Rahul Gandhi:** Look I am challenging him everyday. And again I am challenging him. Narendra Modi Ji the Supreme Court has said about you that you have indulged in corruption. You have given Anil Ambani Rs. 30,000 crores. Come with me, face me, and together let us discuss corruption in front of the entire nation. Narendra Modi Ji come with me and let us debate with love and affection. The nation wants to know about the Rafale matter, wants to know about corruption, wants to know about demonetization,

wants to know about Amit Shah's son. Please come briefly and let us speak to one another for fifteen minutes.

**Journalist:** Where Sir?

**Rahul Gandhi:** Where, wherever Narendra Modi would like. On television if he likes. I am telling the nation that in the Rafale matter there has been open brazen corruption. Chowkidar Ji has given Rs. 30,000 crores to Anil Ambani. Chowkidar does not want to debate me. Because Chowkidar Ji knows that on the very day that he debates me on corruption he will not be able to look the nation in the eye. Once again, I thank the Hon'ble Supreme Court. The entire nation is saying that about the Chowkidar that the Chowkidar has committed theft. And today is a day of great happiness because the Supreme Court has spoken of justice. Justice has prevailed; Supreme Court has said that the Chowkidar has committed theft. Thank you very much.

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**ANNEXURE-R/2**

IN THE SUPREME COURT OF INDIA  
REVIEW JURISDICTION

**25**

REVIEW PETITION (Cr) No. **46** of 2019

IN

WRIT PETITION (Cr) No. 298 of 2018

IN THE MATTER OF:

YASHWANT SINHA & ORS.

...PETITIONERS

VERSUS

CENTRAL BUREAU OF INVESTIGATION & ANR...RESPONDENTS

PAPER-BOOK

(FOR INDEX KINDLY SEE INSIDE)

WITH  
Cri. M.P. NO. \_\_\_\_\_ OF 2019  
(APPLICATION FOR ORAL HEARING)

COUNSEL FOR THE PETITIONER: IN-PERSON

IN THE SUPREME COURT OF INDIA

[REVIEW JURISDICTION]

26

REVIEW PETITION (Cr) No. OF 2018

(Under Article 137 of the Constitution of India)

IN

WRIT PETITION (CRIMINAL) No. 298 OF 2018

**IN THE MATTER OF:-**

1. Yashwant Sinha  
S/o BipinBihari Saran  
R/o House No. 228, Sector 15-A  
Noida, Uttar Pradesh - 201301  
Ph: 8130423456  
Email: ysinha2005@gmail.com  
...Petitioner No. 1
2. Arun Shourie  
S/o HariDev Shourie  
R/o House No. A-31, West End Colony  
New Delhi -110021  
Ph: 9871662322  
Email: anitadit@gmail.com  
...Petitioner No. 2
3. Prashant Bhushan  
S/o Shanti Bhushan  
R/o House No. B-16, Sector 14  
Noida, Uttar Pradesh -201301  
Ph: 9811164068  
Email: prashantbhush@gmail.com  
...Petitioner No. 3

Versus

1. Central Bureau of Investigation  
Through it's Director,  
Plot No. 5-B, 6th Floor, CGO Complex  
Lodhi Road, New Delhi -110003  
...Respondent No. 1
2. Union of India  
Through it's Cabinet Secretary  
Cabinet Secretariat  
New Delhi -110001  
...Respondent No. 2

PETITION UNDER ARTICLE 137 OF THE CONSTITUTION OF INDIA  
READ WITH ORDER XLVII OF SUPREME COURT RULES, 2013,  
SEEKING REVIEW OF JUDGEMENT DATED 14.12.2018 IN WRIT  
PETITION (CRIMINAL) NO. 298 OF 2018

To,

27

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION  
JUDGES OF THE HON'BLE SUPREME COURT OF INDIA

The Humble Petition of the  
Petitioners above-named

MOST RESPECTFULLY SHEWETH:-

1. That the Instant petition seeks review of judgement dated 14.12.2018 of the Hon'ble Court in W.P.(Cr) 298 of 2018 as the impugned judgement is based on errors apparent on the face of the record and subsequent information has come to light non consideration of which will cause grave miscarriage of justice.
2. That for the sake of brevity not all the averments in the petition in W.P. (Cr.) 298 of 2018 are reiterated herein but they may be taken as part and parcel of the present petition.

(I) Errors apparent on the face of the record

3. Prayer of petitioners for registration of FIR and investigation by CBI not dealt with and instead the contract has been reviewed prematurely without the benefit of any investigation or inquiry into disputed questions of facts.

3.1. That the Impugned judgment conflates the prayer of petitioners in W.P. (Cr) 298 of 2018 with those in connected matters. The judgement is rendered *qua* the prayers in connected petitions that the Hon'ble Court described as "*inadequate and deficient*". In it's order dated 10.10.2018 passed in W.P. (Cr) 225 of 2018 & W.P. (C) 1205 of 2018, the Hon'ble Court observed as regards the two petitions, "*We also make it clear that while requiring the Government of India to act in the above terms we have not taken into account any of the averments made in the writ petitions which appear to be inadequate and deficient. Our above order is only for the purpose of satisfying ourselves in the matter.*"

Order XXXVIII, Rule 8, of Supreme Court Rules deals with petitions under Article 32 seeking Writ of Mandamus. It states, "*The petition shall be posted before the Court for preliminary hearing and orders as to the issue of notice to the respondent. Upon the hearing, the Court, if satisfied that no*

fundamental right guaranteed by the constitution has been infringed or that the petition is otherwise untenable, shall dismiss the petition..." The Hon'ble Court of its own volition departed from the stipulated rule in not dismissing the petitions described as "inadequate and deficient" and yet rendered the entire judgement in terms of the prayers contained therein. The impugned judgement merely records the prayer of petitioners but does not adjudicate upon it vis a vis the material placed on record and the law for registration of FIR and Investigation as laid down by a Constitutional Bench in *Lalitha Kumari v. Government of Uttar Pradesh*, (2014) 2 SCC 1.

3.2. That the prayer of the petitioners is recorded in Para 4. It states, "The fourth and the last writ petition bearing Writ Petition (Criminal) No.298 of 2018 has been filed by Shri Yashwant Sinha, Shri Arun Shourie and Shri Prashant Bhushan claiming to be public spirited Indians. They are aggrieved by non registration of FIR by the CBI pursuant to a complaint made by them on 4th October, 2018 which complaint, according to the petitioners, disclose a prima facie evidence of commission of a cognizable offence under the provisions of the Prevention of Corruption Act, 1988. The prayer, inter alia, made is for direction for registration of an FIR and investigation of the same and submitting periodic status reports to the Court".

Prayers in other connected petitions are noted as having sought "cancellation of Inter Governmental Agreement" and "scrutiny of the Court into the alteration of pricing and, above all, how a 'novice' company i.e. Reliance Defence came to replace the HAL as the Offset partner".

3.3. That seeking directions to CBI to register an FIR on a complaint made and investigate the same in any contract (defence related or otherwise) is distinct from seeking judicial review by the Hon'ble Court of the contract itself. Where under Article 32, disputed questions of facts arise, the Hon'ble Court may also rely upon commissions to ascertain facts, reports of which are open to challenge by both sides. In the instant case without any investigation by statutory authorities (as sought by the petitioner) or even by way of a commission, the Hon'ble Court has erred in prematurely reviewing the contract itself, without even affording an opportunity to the CBI to apprise the Hon'ble Court of the status of the complaint that was made by the petitioners and findings thereof.

3.4. That the impugned judgement deals with the prayer of petitioners in other connected matters and not of the petitioners herein is apparent:

(a) Para 1 states, "The procurement in question which has been sought to be challenged..." . Para 5 states, "It would be appropriate, at the outset, to set out the parameters of judicial scrutiny of governmental decisions relating to defence procurement..."

(b) Paras 7, 8, 9, 10, & 11 discuss the scope of Judicial Review qua the prayers in connected petitions in matters of defence procurements. Para 15, notes, "It is in the backdrop of the above facts and the somewhat constricted power of judicial review that, we have held, would be available in the present matter that we now proceed to scrutinise the controversy raised in the writ petitions which raise three broad areas of concern, namely, (i) the decision making process; (ii) difference in pricing; and (iii) the choice of IOP."

(c) Paras 16 to 23 judicially review the decision making process qua the prayers in other connected matters. In Para 22, the impugned judgement states, "We are satisfied that there is no occasion to really doubt the process, and even if minor deviations have occurred, that would not result in either setting aside the contract or requiring a detailed scrutiny by the Court". It is further observed that, "It cannot be lost sight of, that these are contracts of defence procurement which should be subject to a different degree and depth of judicial review. Broadly, the processes have been followed." It is apparent that the entire impugned judgement is qua the prayers of petitions in connected matters which the Hon'ble Court had itself described as "inadequate and deficient". The impugned judgement does not deal with the prayer of the petitioners at all. Para 22 further notes, "We cannot possibly compel the Government to go in for purchase of 126 aircraft". It is further stated, "It will not be correct for the Court to sit as an appellate authority to scrutinize each aspect of the process of acquisition". Neither of these are the prayers of the petitioners herein.

(d) Paras 24 to 26 judicially review the pricing qua the prayers in other connected petitions. In Para 26 the impugned judgement states, "It is certainly not the job of this Court to carry out a comparison of the pricing details in matters like the present." This was also not the prayer of the petitioners herein. In Paras 27 to 33 the impugned judgement reviews the selection of Indian Offset Partner and states in Para 33 that, "mere press interviews or suggestions cannot form the basis for judicial review by this Court, especially when there is categorical denial of the statements made in the Press, by both the sides".



(e) Finally, in Para 34 the impugned judgement holds that, "*Perception of individuals cannot be the basis of a fishing and roving enquiry by this Court, especially in such matters*". The petitioners' prayer was not for an inquiry by the Hon'ble Court. It was for an investigation by the CBI based on the material on record that *prima facie* showed the commission of a cognizable offence requiring investigation. The impugned judgement concludes by stating, "*that our views as above are primarily from the standpoint of the exercise of the jurisdiction under Article 32 of the Constitution of India which has been invoked in the present group of cases.*" It is humbly submitted that the law as regards the power of the Hon'ble Court to direct the CBI to investigate a complaint made to it is well settled and raises no question of the Hon'ble Court's jurisdiction under Article 32 as regards the prayer of the petitioners herein.

3.5. It is apparent that the entire impugned judgement is *qua* the prayers of petitioners in connected matters to judicially review the deal itself. This is a fundamental error apparent on the face of the record in the judgement as regards the prayer of the petitioners herein. The Hon'ble Court was called upon to examine whether or not the CBI ought to have registered an FIR. Nowhere in the judgement, CBI's dereliction of its duty to register an FIR on petitioner's complaint is even discussed. The judgement of the Hon'ble three judge bench disregards the judgement of the Constitutional Bench in *Lalitha Kumari's* case which mandates the registration of FIR when the complaint *prima facie* discloses a cognizable offence within the time specified. In *Lalitha Kumari* the Hon'ble Court held that the veracity of the facts in the complaint can only be determined once the FIR is filed and investigation carried out. It is always open for the CBI to after investigation conclude that the allegations in the FIR are not made out and for the petitioner's &/or respondents to challenge the findings of the investigation. Despite the petitioners' prayer in the petition as well as orally during the hearing requesting for a status report from the CBI the Hon'ble Court did not direct so. In terms of the CBI Manual, 2005, it was open for the CBI to send the complaint for verification and do a preliminary enquiry prior to registration of FIR in a time bound manner. The Hon'ble Court's judgement without giving an opportunity to investigative agencies to establish the truth of contested questions of facts and further investigation has dismissed W.P. (Cr) No. 298 of 2018 without considering the status of the petitioners' complaint and action that the CBI may have taken thereupon.

#### 4. Reliance on facts that are patently false:

4.1. Respondent No. 2 i.e. the Union of India had submitted a note on pricing to the Hon'ble Court. Said note was not shared with the petitioners and the petitioner's had no opportunity to rebut averments therein. It appears that based on the note the Hon'ble Court has accepted the government's contention that details as regards pricing are 'privileged'. The judgement notes, "*The pricing details are stated to be covered by Article 10 of the IGA between the Government of India and the Government of France, on purchase of Rafale Aircrafts, which provides that protection of classified information and material exchanged under the IGA would be governed by the provisions of the Security Agreement signed between both the Governments on 25th January, 2008.*"

In *S.P. Gupta v Union of India*, 1981 (Supp) SCC 87, it was held that where the question of privilege arises the court has the discretion to examine the primary documents in respect of which privilege is claimed to determine whether privilege was justified. In the absence of any investigation by CBI and findings thereof, the Hon'ble Court erred in relying on the averments in the note (a secondary document) without even examining the primary documents leading to reliance on gross factual errors.

#### 4.2. Non-existent CAG report:

(a) In their affidavit dated 14.11.2018, the petitioner's had pointed out in Para 4.5 that, "*a group of retired bureaucrats have written to the CAG highlighting its abdication of responsibility in not having conducted the audit even three years after the deal and continuously missing deadlines to submit its reports. It is imperative that the CAG conclude the audit at the earliest.*" The letter dated 12.11.2018 was attached as Annexure 3. Apparently, the Hon'ble Court erred in not considering the said letter and submission and was instead misled by false averments in the government's note.

(b) The judgement records in para 25 that, "*The pricing details have, however, been shared with the Comptroller and Auditor General (hereinafter referred to as "CAG"), and the report of the CAG has been examined by the Public Accounts Committee (hereafter referred to as "PAC"). Only a redacted portion of the report was placed before the*

*Parliament, and is in public domain.*" This is patently false. The CAG is yet to conclude its audit of the contract. The report has not been finalised so there is no question of it having been examined by the PAC or a redacted report having been placed before the parliament and being in the public domain.

(c) The government has subsequently filed an application for modification of the judgement claiming that the Hon'ble Court has misinterpreted the averments as regards the CAG report on account of grammatical misinterpretation. Said application imputes that three Hon'ble Justices misinterpreted that one paragraph in the same manner which is highly improbable. Moreover, Rule 3, of Order XII, states, "*Subject to the provisions contained in Order XLVII of these Rules, a judgement pronounced by the court or by a majority of the Court or by a dissenting judge in open Court shall not afterwards be altered or added to, save for the purpose of correcting a clerical or arithmetical mistake or an error arising from an accidental slip or omission.*"

(d) Hon'ble Court's reliance on CAG report is not "*a clerical or arithmetical mistake or an error arising from an accidental slip or omission.*" The Hon'ble Court has applied its mind and erred in relying on a non-existent fact to render its judgement which is not a "*accidental slip*" but rather a substantial error. This error apparent can only be corrected under Order XLVII dealing with Review or it is open for the Hon'ble Court to recall its judgement, however application under Rule 3, Order XII is not maintainable.

(e) The government states in Para 5 of its application that the sentences in their note were that, "*The Government has already shared the pricing details with the CAG. The report of the CAG is examined by the PAC. Only a redacted version of the report is placed before the Parliament and in public domain.*" Government's contention in Para 7 of application that "*the very fact that the present tense "is" is used would mean that the reference is to the procedure which will be followed as and when the CAG report is ready*" is self contradictory and totally false. If reference was to the procedure that would have been followed, the correct tense would have been 'will' or 'would' or any variation thereof. The government quite clearly misled the court. It is unknown as to what other false averments in the note the Hon'ble Court has relied upon.

(f) Further, CAG is an independent constitutional body accountable only to the parliament and not under the control of the government. Even to say as a matter of fact that the CAG would in every case "redact" a report is untrue. The CAG shares its draft report with the department concerned to seek their views which may or may not be incorporated in the final report. The department concerned cannot dictate to CAG what should or should not be redacted. Historically, CAG has always placed its final report as is before the PAC. Pricing which is the *sine qua non* of the audit has never been redacted by the CAG. Therefore, the government has no authority to claim as a matter of fact that the CAG's final report would be redacted.

(g) The final CAG report is placed as is for the consideration of PAC which may or may not choose to examine it. Again, if PAC chooses to examine the report whether or not to redact the report is at the discretion of PAC and not something that the government can claim as a matter of fact.

(h) The government has blatantly misled the Hon'ble Court and the Hon'ble Court has grossly erred in placing reliance on false averments in the note not even supported by an affidavit. The entire judgement is based on disputed questions of facts in respect of which an investigation needs to be done. As the judgement is based on evidently false averments in the note not shared with the petitioners, on that ground alone the entire judgement ought to be not just reviewed but recalled.

#### 4.3. *Reliance Industries of Mr. Mukesh Ambani confused with Reliance Infrastructure of Mr. Anil Ambani:*

(a) The impugned judgement relying on the government's notes grossly errs in confusing Reliance Industries of which Mr. Mukesh Ambani is the chairman with that of Reliance Infrastructure of which Mr. Anil Ambani is the chairman. While reviewing the selection of Indian offset Partner, Para 32, states, "*It is no doubt true that the company, Reliance Aerostructure Ltd., has come into being in the recent past, but the press release suggests that there was possibly an arrangement between the parent Reliance company and Dassault starting from the year 2012.*"

(b) Mr. Anil Ambani's Reliance Infrastructure is the parent company of Reliance Aerostructure Ltd. (beneficiary of the offset contract). There is no possibility of any arrangement between Reliance Infrastructure with Dassault Aviation in 2012. As specifically pointed out in the petition in para

56, "Mr. Ambari's first foray into the defence sector was on, 22nd of December, 2014", when Reliance Infrastructure incorporated Reliance Defence Technologies Pvt Ltd. and Reliance Defence and Aerospace Pvt. Ltd. This is apparent from the balance sheet of Reliance Infrastructure that was annexed as Annexure P38 to the petition and is on record.

4.4. *Erroneous recording that Air Force Officers answered questions as regards decision making process and pricing:*

(a) That the judgement in Para 22, records that, "We have also had the benefit of interacting with senior Air Force Officers who answered Court queries in respect of different aspects, including that of the acquisition process and pricing".

(b) That during the hearing in the open court, the Air Force Officers were questioned by the Hon'ble Court as regards the fast induction of fighter aircrafts into the Air Force, to which it was answered that Sukhoi & Tejas (both manufactured in India by HAL) were being inducted continuously. Subsequently, the Hon'ble Court inquired as to which generation would the concerned Air Force Officer place those aircrafts and also Rafales. It is humbly submitted that this was not pertinent as none of the petitioners had sought to challenge the need for Rafale aircrafts/advanced fighter aircrafts or the quality of the aircrafts.

(c) It is most humbly submitted that no question was asked to or answered by the Air Force Officers as regards the decision making process or pricing as regards 36 Rafale aircrafts in the open court.

5. Reliance on facts in government's notes that are contradicted by material on record that hasn't been considered.

5.1. *Erroneous reliance on averment that process for withdrawal of RFP was initiated in March of 2015:*

The judgment records in Para 3 that, "A process of withdrawal of the Request for Proposal in relation to the 126 MMRCA was initiated in March 2015." Further, para 22 notes, "It is also a fact that the long negotiations for procurement of 126 MMRCA's have not produced any result, and merely conjecturing that the initial RFP could have resulted in a contract is of no use. The hard fact is that not only was the contract not coming forth but the

negotiations had come practically to an end, resulting in a recall of the RFP." The Hon'ble Court has accepted the said averment in government's note without considering or dealing with the following facts on record that directly dispute this averment:

(a) That even on 25th of March, 2015, CEO of Dassault, Mr. Eric Trappier stated in the presence of the IAF Chief & HAL Chairman, "you can imagine my great satisfaction to hear...from HAL Chairman that we are in agreement for the responsibilities sharing... I strongly believe that contract finalisation and signature would come very soon." It is apparent that the said statement questions the claim that process for withdrawal of RFP as regards 126 aircrafts had been initiated in March of 2015 or that the negotiations had practically come to an end. Said statement was on record in Annexure P6 of the petition.

(b) Even the assumption that the process of withdrawal had begun between 25th of March & 31st of March of 2015 is belied by the official statement of India's Foreign Secretary on 8th of April, 2015, which stated, "In terms of Rafale, my understanding is that there are discussions under way between the French company, our Ministry of Defence, the HAL which is involved in this. These are ongoing discussions. These are very technical, detailed discussions. We do not mix up leadership level visits with deep details of ongoing defence contracts. That is on a different track. A leadership visit usually looks at big picture issues even in the security field." Said statement was on record in Annexure P7 of the petition.

Both these facts require to be investigated and mere reliance on government's averment in a note not even supported by an affidavit is erroneous.

## 5.2. Erroneous reliance on averment that the deal had run into rough weather on account of issues between HAL & Dassault:

(a) Para 18 relies on government's averments in the note and states that, "As far as the endeavour to procure 126 fighter aircrafts is concerned, it has been stated that the contract negotiations could not be concluded, inter alia, on account of unresolved issues between the OEM and HAL. These have been set out as under: (i) Man Hours that would be required to produce the aircraft in India: HAL required 2.7 times higher ManHours compared to the French side for the manufacture of Rafale aircraft in India.

(ii) Dassault Aviation as the seller was required to undertake necessary contractual obligation for 126 aircraft (18 direct flyaway and 108 aircraft manufactured in India) as per RFP requirements. Issues related to contractual obligation and responsibility for 108 aircraft manufactured in India could not be resolved."

(b) Said averment has been relied upon without critically examining the aforementioned statements of the CEO of Dassault on 25th of March, 2015, and Foreign Secretary on 8th of April, 2015. Moreover, the court has erred in not considering or dealing with the following facts on record:

(c) That on 3rd of March, 2014, a Work Share agreement had been signed between HAL & Dassault Aviation under which they were to be responsible for 70% & 30% of the work respectively for the 108 aircrafts to be made in India. Said fact was brought on record in Annexure P5 of the petition.

(d) That this was further confirmed by the former chairman of HAL, T. Suvarana Raju who was the lead negotiator for the original deal. He had even asked the government to put the files in the public domain disputing that the reason for cancellation of the deal was HAL. He had stated, "I was the leader of the technical team for five years and everything had been sorted out...Dassault and HAL had signed the mutual work-share contract and given it to the government. Why don't you ask the government to put the files out in public? The files will tell you everything."

Mr. Raju's statement was placed on record by the petitioners in ANNEXURE P37 of the petition. These facts highlight the need for an investigation by the CBI and the Hon'ble Court erred in judicially reviewing the contract without the benefit of an investigation/report on these disputed questions of facts.

6. Error in not considering material facts that raise pertinent issues:

6.1. *Ex Post facto AON*: The primary contention of the petitioners was that due procedures as mandated by Defence Procurement Procedures were not followed when it was announced on 10th of April, 2015, that as part of a new procurement 36 aircrafts would be purchased. On the basis of a Statement of Case that is prepared by the IAF Services Head Quarters, the Defence Acquisition Council (DAC) grants the Acceptance of Necessity (AON) that determines the quantity of aircrafts to be procured and whether the mode of procurement should be to purchase all requisite quantities specified from a foreign vendor or whether some should be procured in a

'fly away' condition and rest be manufactured in India. The government has itself admitted that the AON granted in June of 2007 specified the quantities to be procured as 126 with 18 to be procured in a 'fly away' condition from France & the rest to be manufactured by HAL in India with Transfer of Technology. The government has also admitted that on 10th of April, 2015, when the announcement was made to procure 36 aircrafts instead of 126 and Make in India by HAL under Transfer of Technology, was jettisoned there was no Acceptance of Necessity authorising the Prime Minister's delegation to commit to such terms. The petitioners had pointed out and the governments own note admits that an *ex post facto* AON was granted only on 13th of May, 2015. A fact that is recorded in the judgement also. The Hon'ble Court has erred in not dealing with the fundamental issue as to who decided on 10th of April, 2015, to change the parameters set out in the AON granted in June of 2007 and on what basis. No material has been brought on record by the government to show that the IAF sought for reduction of the quantities. Without going into this fundamental issue the impugned judgement errs in holding that the 'decision making process' was "broadly" in accordance with the Defence Procurement Procedures.

6.2. *Sovereign Guarantee*: Petitioners had brought on record that the Ministry of Law & Justice had objected to the fact that though the Defence Procurement Procedures required it, there was no Sovereign Guarantee by France in the Inter Governmental Agreement. The said objection had been overruled by the Cabinet Committee on Security itself. The impugned judgment records this averment of the petitioners herein in Para 20, but does not address the same. The impugned judgement records in Para 22 that, "*We are satisfied that there is no occasion to really doubt the process, and even if minor deviations have occurred, that would not result in either setting aside the contract or requiring a detailed scrutiny by the Court.*" It is clear that the Hon'ble Court felt constrained by its judicial powers to review the contract under Article 32 *qua* the prayers of other petitioners. However, it was erroneous for the Hon'ble Court to describe the absence of Sovereign Guarantee as a "minor deviation". Whether it was minor or major and for what reason was such a deviation made would more appropriately have been a subject matter for the CBI to investigate into as was the prayer of the petitioners. Similarly, on what grounds the Law Ministry's objection to



seat of arbitration being outside India was overruled was also a subject matter that could have been dealt with by an investigation by CBI.

6.3. *Objections in INT to increase in 'benchmark price' from 5.2 billion to 8.2 billion euros:* The judgment errs in not considering that 3 expert members of the Indian Negotiating Team (INT) had specifically objected to increasing the benchmark price from 5.2 billion Euros to 8.2 billion Euros. As pointed out in the petition (Paras 65 & 66 of the petition relying on Annexes 46 & 47), the 5.2 billion Euro benchmark price was discovered by an expert member of INT, Mr. M.P. Singh, who was Principal Advisor (Cost) after taking into account all factors. The decision to arbitrarily increase the benchmark price was objected to by Mr. M.P. Singh, Sh. Rajeev Verma, then Joint Secretary (Air) and Sh. AR Sule, then Finance Manager (Air). Whether the said arbitrary increase in benchmark price that has allegedly resulted in a loss to government against public interest was justified and whether or not it would be a fit case for prosecution under Section 13(1)(d) of Prevention of Corruption Act was for the CBI to determine after investigating into the circumstances in which the benchmark price was increased. The Hon'ble Court erred in not considering this fact and ordering the CBI to register an FIR and investigate whether or not said increase in benchmark price was *mala fide* as alleged by the petitioners.

#### 6.4. *Selection of Indian Offset Partner:*

(a) The impugned judgement errs in not at all considering that Reliance Aerostructure Ltd (RAL), (beneficiary of the offset contract) was ineligible to be chosen as an offset partner. As pointed out in Para 52 of the petition, Clause 4.1. of Offset Guidelines states that, "Indian enterprises and institutions and establishments engaged in the manufacture of eligible products and/or provision of eligible services, including DRDO, are referred to as the Indian Offset partner (IOP)." Petitioners placed material on record in the form of Annual Statements of RAL's parent company, Reliance Infrastructure Ltd., which shows that it was not engaged in the manufacture of eligible products or services. The impugned judgement errs in not considering and dealing with this averment. How can a company that is ineligible under Clause 4.1. be chosen as an offset partner is something for the CBI to investigate.

(b) The impugned judgement does not deal with Clause 4.2. of the Offset Guidelines that states, "The IOP shall, besides any other regulations in force, also comply with the guidelines/licensing requirements stipulated by the DIPP as applicable." Petitioners had placed material on record (paras 53 & 54 of petition) to show that RAL was in violation of the license that was granted to it in June of 2016, which was specifically for "Manufacture and Upgrade of Airplanes and Helicopters Specially Designed for Military Application", and whereas it entered into a Joint Venture with Dassault Aviation to manufacture parts for a civilian aircraft under that same licence. This fact on record has also not been dealt with in the impugned judgement & merits investigation.

(c) As regards selection of Indian Offset Partner, impugned judgement errs in holding in para 32 that, "*the commercial arrangement, in our view, itself does not assign any role to the Indian Government, at this stage, with respect to the engagement of the IOP. Such matter is seemingly left to the commercial decision of Dassault. That is the reason why it has been stated that the role of the Indian Government would start only when the vendor/OEM submits a formal proposal, in the prescribed manner, indicating details of IOPs and products for offset discharge.*" Said observation is erroneous given that as required under Clause 2.4. of Offset Guidelines and as admitted by the government and recorded in the judgement, the offset contract was signed simultaneously with the main procurement contract on 23rd of September, 2016. Per Clause 7.2 of Offset Guidelines, the Offset Contract is only signed after the Technical Offset Proposal and Commercial Offset Proposal that are required to be submitted prior to signing of the Offset Contract are approved by the Raskha Mantri. It states, "*The technical and commercial offset proposals should be submitted in two separate sealed covers to the Technical Manager of Acquisition Wing.*" Per Clause 8.4, "The Commercial Offset Offer will contain the detailed offer specifying the value of the offset components, with a breakdown of the details, phasing, Indian Offset Partners." Both the proposals were required to be submitted prior to signing of the contract on 23rd of September, 2016, and were required to be approved by the Raskha Mantri. The requirements for submitting the Commercial Offset Offer were detailed in Annexure III to Appendix D of DPP which stated,

"Note: Vendor to provide following along with commercial offset offer:

-(a) Undertaking that IOP is an eligible offset partner as per

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applicable guidelines.

(b) Company profile of IOP/agency.

(c) Details with values of the proposed offset, including details of Tier-1 sub-contractors, if any.

(d) Letter of IOP/agency confirming acceptance of the offset project in case of direct purchase or investment."

Clause 8.6 required that all offset proposals had to be approved by the RakshaMantri. It stated, "All Offset proposals will be processed by the Acquisition Manager and approved by RakshaMantri, regardless of their value."

(d) It is apparent that notwithstanding the retrospective amendment to the clause dealing with Technical Offset Proposal, the Commercial Offset Proposal, required the disclosure of the Indian Offset Partner and was required to be approved by the Raksha Mantri prior to signing of Offset Contract. While Dassault may have had the option of choosing the offset partner, the offset partner was required to be approved by the Raksha Mantri. The judgement relies on the governments averment that details of Indian Offset Partner were not made available to it by Dassault. This averment in a note that has misled the Hon'ble Court on various other counts, even if true, would require an investigation by CBI as to how when Dassault failed to disclose the Indian Offset Partner as required in its Commercial Offset Proposal, did the Raksha Mantri approve the Commercial Offset Proposal and whether such approval was *malafide*.

(e) The judgement errs in relying on the government's averment in the note to hold in Para 32 that, "*There has been a categorical denial, from every side, of the interview given by the former French President seeking to suggest that it is the Indian Government which had given no option to the French.*" The French President himself has not denied the interview. He had stated to MediaPart on 21.09.2018 that, "*We didn't have any say in this matter...It is the Indian government which had proposed this service group, and Dassault who negotiated with Ambani. We didn't have the choice, we took the interlocutor who was given to us.*" He had reiterated on 23.09.2018 that, Mr. Anil Ambani was suggested to the French as, "*part of the new formula of the Indian Government.*" Both statements were on record in Annexes P19 & P20 of the petition. That the government of India, Dassault, & Mr. Ambani would deny the statement as it directly proves their own complicity is not surprising.

(f) In discounting the French President's statement, the impugned judgement does not consider further corroborative evidence of Dassault's official press release which states that, DRAL —the joint venture between Reliance and Dassault— was created in April of 2015 itself. Said press release was placed on record by petitioners in Annexure P24.

(g) Further corroborative evidence in the form of internal papers of Dassault's trade unions which showed that they were told that agreeing to set up a Joint Venture with Mr. Ambani's company was "*imperative and mandatory*" for Dassault and a "*trade off*" to secure the contract for 36 fighter aircrafts was also not considered or dealt with. A report on the same was annexed as Annexure P22 of the petition.

(h) Further, a contemporaneous news report of 17.04.2015 in the French *TTU Online: Strategic & Defence Newsletter* had stated, (The new deal),

*"At the political level, is for Narendra Modi, to demonstrate that India is a reliable partner and reaffirm his authority ...and at the same time, he (is) devoted to the rise to power of the private consortium Reliance Ambani family, one of his main financial support(ers), (whom) he would like to see play a greater role in the defence industry."* The said report was on record in Annexure P23 of the petition.

All these facts together *prima facie* cast a doubt on the selection of Mr. Ambani's RAL as an offset partner and are required to be investigated by the CBI.

### 7. Other facts on record that require consideration:

7.1. *Defence Minister was not consulted:* That the then Defence Minister, Mr. Parrikar, was not officially consulted as regards the procurement for 36 aircrafts. Three days after the deal, Manohar Parrikar made it clear to Doordarshan on 13th of April, 2015, that, "*Modi-ji took the decision; I back it up.*" Elaborating to NDTV, he described the decision as, "*the outcome of discussions between the Prime Minister [of India] and the President of France.*" Said statements are on record in Annexure P21 of the petition.

7.2. *Privilege had not been claimed as regard pricing on earlier occasions:* That on earlier occasions, notwithstanding the secrecy agreement of 2008, the cost of defence and aerospace equipment have been disclosed to Parliament and privilege was never claimed even when the procurement was from the same French companies as in this case. For instance, in the

granted to RAL within ten weeks of its application being made on 16th of June, 2015. As was evident from the balance sheet of RIL for years ending 2016, 2017, & 2018, no investment was made by RIL into RAL for the purpose of commencing production. The only asset of RAL in all these years was the value of the land that it had gotten at a throw away value of Rs 63 Crores for 289 acres from government of Maharashtra. It was evident that RAL was sitting on the land as its sole purpose of creation was to enter into a Joint Venture with Dassault Aviation. Annual Statements of Dassault showed that after the creation of the Joint Venture, it was Dassault Aviation that began investing into the joint venture i.e. DRAL whereas Mr. Ambani's made no investment whatsoever into DRAL even though he was the majority partner. Paras 47 to 58 of the petition dealt with the illegitimacy of RAL as a credible offset partner. All this was quit apart from the fact that Mr. Ambani's Reliance group was and is knee deep in debt and that the only defence related company that they had acquired that is Reliance Defence & Naval Engineering was taken to insolvency proceedings within three years of Mr. Ambani's acquisition and it had failed to deliver the orders for Naval Offshore Patrol Vessels to the Indian Navy on time and said order was long overdue.

#### (II) Subsequent Information

8. That the following information has come to light subsequent to the judgement being reserved on 14.11.2018 and was not within the knowledge of the petitioners despite all due diligence at the time of filing of the petition up until the date of final hearing and reservation of judgement:

8.1. *Subsequent information regarding strong objections within the Indian Negotiating Team (INT):*

(a) The judgement relies and reproduces contents of the note on the decision making process that was submitted to the Hon'ble Court. In para 19 of the judgement, it is stated, "An INT was constituted to negotiate the terms and conditions, which commenced in May 2015 and continued till April 2016. In this period of time, a total of 74 meetings were held, including 48 internal INT meetings and 26 external INT meetings with the French side. It is the case of the official respondents that the INT completed its negotiations and arrived at better terms relating to price, delivery and maintenance, as compared to the MMRCA offer of Dassault. This was further processed for inter-ministerial consultations and the approval of the

Press Release that it issued on 26th of March, 2012, regarding the "Upgradation of Mirage Aircraft," the Ministry of Defence had stated,

"Contracts have been signed with M/s Thales, France and M/s Dassault Aviation, France, along with M/s Hindustan Aeronautics Limited (HAL) for upgrade of the Mirage 2000 aircraft of the Indian Air Force (IAF). A contract has also been signed with M/s MBDA, France, for procurement of air-to-air missiles for the Mirage 2000 aircraft. The cost of the contract for upgrade of the Mirage 2000 with M/s Thales and M/s Dassault Aviation is Euro 1470 Million, while the cost of the contract with M/s HAL is Rs. 2020 crore. The cost of the contract for procurement of the missiles from M/s MBDA, France, is Euro 958,980,822.44."

Said fact was on record in ANNEXURE P43 of the petition.

7.3. *Reliance group paid 1.48 million Euros to Mr Hollande's partner's venture:* That on 24th of January, 2016, Mr. Ambani's Reliance Entertainment announced an investment in President Hollande's partner, Julie Gayet's, French film through her company Rouge International. Payments to the tune of 1.48 million Euros were eventually made. Just two days thereafter, on 26th of January, 2016, Prime Minister and Mr. Hollande signed a Memorandum of Understanding for the 36 Rafale aircrafts. The judgement errs in not considering whether this investment was *prima facie* a *quid pro quo* requiring an investigation by the CBI. Said fact was on record in Annexes P26 and P27 of the petition.

7.4. *RAL was not a legitimate offset partner:* That the petitioner had placed on record that RAL was not a legitimate offset partner capable of credibly rendering any services to Dassault Aviation in exchange for receiving undue benefits worth thousands of crores of Rupees through its selection as offset partner. It had been shown that within a few weeks of the announcement committing India to purchase 36 aircrafts in 'fly away' condition from France, more than half a dozen defence related companies were incorporated by Reliance Infrastructure group. Many of these companies were merely on paper and were granted *en masse* licenses for varied defence related products simultaneously on 22nd of June, 2016. Further, it was shown that even three years after incorporation, none of these companies had begun any production and Mr. Ambani's Reliance Infrastructure Ltd. (RIL) made negligible investments in these companies. The only asset that Mr. Ambani's company had was the land that was

CCS was also obtained, finally, resulting in signing of the agreement. This was in conformity with the process, as per para 72 of DPP 2013."

(b) Para 72 of DPP, 2013, states, "In cases of large value acquisition, especially that requiring product support over a long period of time, it may be advisable to enter into a separate Inter Government Agreement (if not already covered under an umbrella agreement covering all cases) with the Govt of the country from which the equipment is proposed to be procured after the requisite inter ministerial consultation. Such an Inter Governmental Agreement is expected to safeguard the interests of the Govt of India and should also provide for assistance of the foreign Govt in case the contract(s) runs into an unforeseen problem." Whereas, the judgement has relied on the governments averments in the note to hold that that it was the Indian Negotiating Team that **completed** negotiations, further facts have come to light showing that this was not the case as there was major objections by expert members within the INT over several issues. It was the Cabinet Committee on Security which in a highly unusual manner overrode the objections of experts within the INT on several major issues and failed to safeguard the interests of the Government of India and did not provide for assistance of the foreign government in case the contract runs into unforeseen problems.

(c) Caravan has reported that the government has failed to disclose to the Hon'ble Court these objections of experts within the INT. These objections are important because in Para 26 of the judgement, the Hon'ble Court has stated that, "We have examined closely the price details and comparison of the prices of the basic aircraft along with escalation costs as under the original RFP as well as under the IGA. We have also gone through the explanatory note on the costing, item wise. Suffice it to say that as per the price details, the official respondents claim there is a commercial advantage in the purchase of 36 Rafale aircrafts. The official respondents have claimed that there are certain better terms in IGA qua the maintenance and weapon package." The report of Caravan shows that the Hon'ble Court has relied on and been misled by the comparison on pricing, maintenance, & weapons package rendering the judgement liable to be set aside. The report in Caravan dated 25.10.2018 states,

"1. "The benchmarked price of €5.2 billion was too low as compared to the final negotiated price of 7.89 bn euros and so, the reasonability of the price was in question."

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The dissenting officers raised concerns that the new price, at over €2.5 billion higher than the one first suggested by Singh, was unreasonably high.

2. *"No Advance & Performance Bank Guarantee has been obtained from Dassault Aviation and the advance payments made prior to delivery are not secured."*

The Indian government agreed to pay massive sums to Dassault Aviation, the manufacturer of the Rafale, in advance of deliveries, but did not obtain any financial security from either the French government or Dassault that it could encash in case of a breach of contract. Such securities are a standard part of defence-procurement deals. In purchases directly from a manufacturer, the manufacturer puts up the security. In government-to-government deals where a sovereign government stands in as the guarantor, the security is put up by the foreign government. India makes exceptions in deals with Russia and the United States, whose laws channel all foreign defence sales through official channels, and whose governments make themselves liable for failure to deliver as promised. As reported earlier by The Caravan, France does not have such provisions. The lack of a guarantee from the French government means that the Rafale deal does not satisfy the conditions of a government-to-government deal, even though the Modi government has described it as such.

3. *"The delivery schedule of 36 Rafale IGA was not better than that of 126 MMRCA bid."*

4. *"The Maintenance Terms and Conditions including PBG (Performance Based Guarantee) of 36 Rafale IGA was not better than that of 126 MMRCA bid."*

Under the Congress-led administration that preceded the Modi government, Dassault Aviation won a competitive tender to supply India with 126 "medium multi-role combat aircraft," or MMRCAs. The Modi government inherited and scrapped the negotiations to purchase 126 Rafales under the tender, to make way for an "inter-governmental agreement," or IGA, to purchase just 36 Rafales instead. Numerous officials, including the chief of the Indian Air Force, have since claimed that the 36-jet deal offers faster delivery and better conditions than the scrapped 126-jet purchase could. The



dissenting officers of the negotiating team did not find this to be so. With both these objections, the DAC set them aside and the CCS ratified its decision.

5. *"The IGA Clauses and Articles of the Aircraft and Weapon Supply Protocols be aligned/ modified with the recommendations of Ministry of Law & Justice (MOLJ)."*

As reported earlier by The Caravan, the law ministry objected to many features of the 36-Rafale purchase when the deal was forwarded to it for requisite legal vetting. These concerns were ignored in the final deal, which the CCS sanctioned with the knowledge that the law ministry's objections were still outstanding. Ajit Doval, the national security advisor, was part of the Indian contingent that agreed to a "joint document" with the French side that overlooked the legal red flags, and that effectively blocked any future attempts to address them. The national security advisor has no legal standing to participate in acquisition negotiations. In its submissions to the Supreme Court, the government omitted the fact of Doval's involvement.

6. *"The 20% discount offer of EADS in 126 MMRCA tender was ignored. The INT should take EADS quote for 36 Rafale delivery equivalent and then compare prices."*

The Eurofighter Typhoon, manufactured by the European Aeronautic Defence and Space Company, or EADS, was the only jet other than the Rafale to pass technical trials for the MMRCA tender. Dassault was subsequently awarded the tender over EADS when it bid a lower price for supplying 126 jets. Afterwards, EADS offered a 20-percent discount on its quoted price in the hope of undercutting Dassault, but the Indian government stood by its decision. The dissenting members of the negotiation team now wanted to use the price of 36 discounted Eurofighters as a point of comparison to the price being considered for 36 Rafales. The other four members argued that EADS's discounted price was invalid as it was unsolicited and made after the bidding process was closed, thus violating procurement procedure. The price of each aircraft under the final Rafale deal was far in excess of the per-aircraft rate offered by Dassault under the MMRCA process.

7. *"The cost of India Specific Enhancement (ISE) was too high."*

The Indian government has repeatedly claimed that the Rafales purchased under the 36-jet deal will include "India-specific enhancements." The three dissenting officers raised concerns that the cost for these was too high. The other four members held that the cost was "non-recurring," and that it was "not affected by the number of aircraft purchased." They also said that the MMRCA deal included India-specific enhancements as well. The DAC and CCS backed the four members' position. The average cost of India-specific enhancements for each jet in the final Rafale deal was much higher than that under the MMRCA tender.

8. *"Dassault will not be able to [unclear word] the deliveries as per IGA due to its ongoing contracts with French forces, Egypt and [Qatar]."*

The dissenting officers raised concerns that Dassault would not be able to deliver 36 Rafales to India under the agreed schedule as it already had contracts to provide the jets to the French armed forces as well as Egypt and Qatar. The DAC agreed with the four other officers, and the CCS ratified its decision.

9. *"Dassault's financial position is not sound as per its published financial results. So, it may not be able to deliver the 36 Rafale aircraft."*

The three officers believed that Dassault's financial health did not inspire trust. As reported earlier by The Caravan, the French government transferred its obligations under the "inter-governmental agreement" to private manufacturers including Dassault, and India failed to secure any legally enforceable guarantee of delivery from the manufactures. The Indian government has no legal or financial protection if Dassault fails to deliver the 36 jets for any reason.

10. *"As per the prices reflected in Dassault's financial results, it has sold Rafale at a cheaper rate to Qatar and Egypt as compared to India."*

Dassault's financial disclosures suggested to the three dissenting officers that the Rafale was being sold to India at a higher price than it had been to Egypt and Qatar. The four other officers disagreed. Information available to The Caravan indicates that Dassault had claimed that its financial disclosures were being misinterpreted, and

that the French government had said in writing that India was being offered the Rafale at a lower price than the other countries. The DAC sided with the four officers to set this objection aside, and the CCS backed its decision."

A copy of the report in *Caravan* dated 25.12.2018 is annexed as **Annexure PL** at Pages **63** to **65**.

(d) It is apparent that material information has been withheld from the Hon'ble Court on several issues and on the aspect of pricing the Hon'ble Court has been misled by disputed averments in the government's note.

### 8.2. *Subsequent information regarding political decision to waive off sovereign guarantee:*

(a) The petitioners had highlighted that the Ministry of Law & Justice (MoL&J) had objected to the Inter-Governmental Agreement departing from mandated condition in waiving of the requirement for a Sovereign Guarantee from the French government. It has now been reported in *Caravan* that the decision to depart from the requirement of sovereign guarantee and seat of arbitration was taken after the unauthorised intervention of the present National Security Advisor (NSA), Mr. Ajith Doval. As recorded in a Ministry of Defence note, titled 'Note 18', after the objections raised by the MoL&J, Mr. Doval visited France on 12th & 13th of January, 2016, along with Member Secretary of Indian Negotiating Team (INT) and discussed the issue of sovereign guarantee and the seat of arbitration with the French. This would be an unauthorised intervention as it was the INT that was authorised by the Defence Acquisition Council to negotiate the terms of the contract as required under the Defence Procurement Procedures. Another pertinent fact that the government's note not supported by an affidavit omitted to mention. The note describes then Defence Minister Manohar Parrikar's ruling that the French insistence on providing only a "Letter of Comfort" in lieu of sovereign guarantees should be considered by the CCS, taking into account the MEA's (Ministry of External Affairs) and NSA's views on the subject. Effectively, Mr. Parrikar's decision took the authority for approving the said deviation out of the purview of the Defence Acquisition Council. As the judgment of the Hon'ble Court notes in para 16, Clause 75 of Defence Procurement Procedure states, "Any deviation from the prescribed procedure will be put up to DAC through DPB for approval." It is apparent that on account of Mr. Doval's

unauthorised intervention, on account of Mr. Parrikar's direction, the sensitive issue as regards the absence of sovereign guarantee was taken out of the purview of experts and instead placed before the Cabinet Committee on Security all of whose members are part of the political executive and who decided to waive off sovereign guarantee from France. The importance of sovereign guarantee is apparent from para 3 of 'Note 18', that states,

*"It was considered essential that the proposed IGA retains the character of Government-to-Government Agreement for this procurement. As may be seen in Encl 13A, it was stated in our reference to MoL&J the core elements of G-to-G character seem to be: (i) The responsibility for the supply of equipment and related industrial services and performance of the entire contract remains with the foreign Government; (ii) Dispute Resolution mechanism at Government-to-Government level only."*

(b) *Business Standard* has further reported, that,

*"a key reason New Delhi sought sovereign guarantees was to prevent Paris from ever citing international instruments, such as the Arms Trade Treaty of 2013 (ATT), to interrupt, modify or cease delivery of the Rafale fighter at any stage... The ATT is a multilateral treaty that regulates international trade in conventional arms. France has signed the ATT, but India has consistently rejected it as discriminatory. The ATT allows weapons exporting countries to deny or cancel export permissions at any stage. In such an event, the treaty's provisions relieve the exporting country and its defence manufacturers from any contractual liability. On the other hand, a sovereign guarantee is a pledge that supersedes the ATT. Had Paris provided a sovereign guarantee in the Rafale contract, it would not have been able to cite the ATT to explain any lapse in its execution"*

A copy of the report dated 16.12.2018 in *Caravan* is marked and annexed as Annexure **12** at Pages **66** to **71**.

A copy of the report dated 28.11.2018 in *Business Standard* is marked and annexed as Annexure **13** at Pages **72** to **73**.

A copy of Ministry of Defence's note titled, 'Note 18', is marked and annexed as Annexure **14** at Pages **74** to **77**.

8.3. Subsequent information regarding political decision to increase the Benchmark Price:

(a) The petitioners had highlighted that the benchmark price determined by the expert member, Mr. M.P. Singh, Advisor (cost) was 5.2 billion euros. The increase in benchmark price to 8.2 billion euros was also objected to by two other experts in the INT who were Mr. Rajeev Verma, then Joint Secretary (Air) and Mr. A.R. Sule, then Finance Manager (Air). It has now been reported in the Caravan that,

*"the initial benchmark price for the Rafale deal was set at €5.2 billion —€2.5 billion less than the deal signed in 2016. In view of apprehensions that the deal would be unviable at this price, the Defence Acquisition Council, or DAC, headed by the defence minister —Manohar Parrikar at the time—prescribed a revised mechanism for pricing. The method used for price revision was a departure from mandatory procedure. The final pricing was ratified by the Cabinet Committee for Security, headed by Prime Minister Narendra Modi." The report adds that, "final pricing for the Rafale deal was directly approved and ratified by the prime minister on 24 August 2016, overruling the pricing arrived at by the official who had the requisite expertise and was first tasked to do the job by the Modi government itself. The method used to arrive at the new benchmark was not in keeping with the procedure set down in the Defence Procurement Procedure 2013". It is further elaborated that, "In this case, per the established norm, MP Singh, the adviser for cost on the INT, carried out the benchmarking process. He based it on an evaluation of costs from the bottom up—of the components that go into building a Rafale jet as well as all additional costs, including research and development and India-specific enhancements. Singh set the benchmark price for the 36 jets at €5.2 billion. The benchmark cost Singh arrived at was also endorsed by two other members of the INT: Rajeev Verma, the joint secretary and acquisition manager (air); and Anil Sule, the finance manager (air). Together, Singh, Verma and Sule were the three officers on the INT with the greatest amount of expertise in dealing with issues relating to pricing."*

(b) These new facts belie the note submitted by the government where it had claimed that all issues relating to pricing were determined by the Indian Negotiating Team. It is also apparent that there were disagreements that

are on record as regards the revision in benchmark price to 8.2 billion euros by relying on a new formula that took into account the price quoted in the earlier deal which was erroneous as the earlier deal included the cost of Transfer of Technology as well as costs of developing the requisite vendor network, plants, & machineries in India for manufacturing of 108 aircrafts as was envisaged in the earlier deal. That when the experts within INT disagreed on the revision in benchmark price, the call to increase it was taken by the Cabinet Committee on Security (CCS) none of whose members have any expertise in the said matter. It is for an investigation to determine whether CCS's approval of the increase in benchmark price has caused a monetary loss to the government against public interest and whether said act would be prosecutable under section 13(d)(ii) of Prevention of Corruption Act.

Copy of report in Caravan dated 14.12.2018 is marked and annexed as Annexure ~~75~~ at pages ~~78~~ to ~~80~~.

(c) Further, as regards the decision to increase the benchmark price, Mr. Sudhanshu Mohanty, former Controller General of Defence Accounts and also a former Financial Adviser (Defence Services) in the Ministry of Defence who retired on May 31, 2016, has published an important article pointing out that the decision to increase the benchmark price taking into account the price in the 126 aircraft deal that never materialised was erroneous. He states,

*"Another troubling issue is of benchmarking, where Para 52 of DPP 2013 is relevant. It says: 'Cases for which contracts have earlier been signed and benchmark prices are available, the CNC [contract negotiation committee] would arrive at the reasonable price, taking into consideration the escalation/ foreign exchange variation factor.'*

*Since there were no contracts on the item signed earlier and hence no benchmark price was available, going by media information one wonders how the benchmark price was revised upwardly, by use of an "aligned cost table".*

*Para 47 of DPP 2013 stipulates that, "the CNC would carry out all processes from opening of commercial bids till conclusion of contract".*

*If there were differences of opinion on benchmarking among members of the CNC, with three crucial members – Joint Secretary &*

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*Acquisition Manager, Finance Manager, and Advisor (Cost) – who had the relevant domain expertise on benchmarking, plumping for €5.2 billion while others sought enhancement to €8.2 billion based on an “aligned cost table”, the details doubtless merit scrutiny”*

(d) Mr. Mohanty has further highlighted that it was erroneous to take into consideration the price for the 126 aircrafts deal that never materialised as that price was inclusive of costs of Transfer of Technology and additional costs that the vendor would have had to spend to materialise manufacturing in India. These would be costs that Dassault would not incur in the 36 aircraft deal. He states,

*“The manufacturing of 108 aircraft which were proposed to be made in India included the ToT and licence production cost, plus the cost of setting up the facility in India. This expenditure was to be amortised over the entire spectrum of 108 aircraft to be produced. Thereafter even the depreciated value of the facility upon closure of this production line would have a residual value. Amortisation in its classical sense is applied to intangible assets. When funds need to be invested for setting up a particular facility that is quantity-neutral, it is natural that the greater the number the better it is for the investor. With the cost of such investment deemed as inexorable because it is the irreducible minima, the higher the number, the lesser is the cost per unit, since the investment spreads across a wider spectrum, thereby whittling down the individual price. So, apportioning this expenditure over 36 units isn't the best way to arrive at the reasonable price to benchmark. It's much too simplistic a calculation – and it doesn't work that way!”*

(e) Mr. Mohanty has further brought out that the decision of the Defence Acquisition Council to refer to the CCS the decision as regards the upward revision in benchmark price when it could not agree on the same was against the *Allocation and Business Rules* of the Government of India. Further, such a practice had been depreciated by the CAG in its audit report on the Augusta Westland case which is currently also a subject matter of investigation by the CBI. Mr. Mohanty stated,

*“Going by media reports, the Defence Acquisition Council/ MoD did not recommend the case as authorised by the Allocation and Business Rules of the Government of India, and instead referred it to the Cabinet Committee on Security (CCS) for taking a decision that*

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falls within its power (which it has exercised in other cases). But for the Ministry of Finance to have agreed to refer it to the CCS for decision-making is truly a puzzle. This is because the CAG in its audit report on the Agusta Westland case – the Report of the Comptroller and Auditor General of India on Acquisition of Helicopters for VVIPs; Union Government Defence Services (Air Force) No. 10 of 2013, tabled before Parliament on August 13, 2013 – had observed that: "the MoF should have either recommended, not recommended or recommended with conditions the proposal as MoF provides financial advice to CCS and Government"

(f) In an interview to the Economic Times, Mr. Mohanty highlighted that the decision to refer the increase in benchmark price for approval of CCS was highly unusual and described the decision as "strange, even queer". He stated,

*"It has been brought out that the negotiating team came up with a benchmark price that was overruled by the ministry. It wouldn't be fair on my part to comment on the benchmark price. The more relevant question that needs to be asked is: On what grounds was this overruled? What logic and justifications were adduced on file to overrule the points made by senior ministry officials who negotiated the contract? Further, as per the information available in public domain, the Defence Acquisition Council headed by the defence minister and consisting of all top MoD honchos didn't recommend the case, instead left it to the Cabinet Committee on Security to take a call. Why? This needs to be looked into. For, not in my fallible memory of defence capital acquisition can I recall such a thing — because it is strange, even queer."*

A copy of the article published by Mr. Mohanty on 02.12.2018 in *The Citizen* is annexed as Annexure P6 at pages 81 to 83.

A copy of the interview of Mr. Mohanty published on 15.11.2018 in the *Economic Times* is annexed as Annexure P7 at pages 84 to -.

9. That the Petitioner herein has not filed any other Review Petition in this Hon'ble Court earlier for similar relief. Further, given the gravity of issues which are for consideration in this Petition by the Hon'ble Court, the Petitioner herein seeks an audience in Open Court before the present



Petition is adjudicated upon. Further, as the government's application for modification is really an application for Review under disguise, it would be appropriate to treat it as such, and a hearing in the open court should be provided to both sides.

10. It is evident from the facts and submissions herein above that the impugned judgement contains patent factual and legal errors, which sufficiently make out a case for review in the Open Court. *Inter Alia*, following are the grounds which establish a case for review by this Hon'ble Court:

#### GROUND

- A. Because the judgement contains several errors apparent on the face of the record which go to the root of the matter mentioned elaborately in the petition above in paras 3, 4, 5, & 6.
- B. Because the judgement relies upon patently incorrect claims made by the government in an unsigned note given in a sealed cover to the Hon'ble Court without being shown to the petitioners which is a violation of principles of natural justice. The petitioners were not given an opportunity to be heard on the claims made in the governments unsigned notes resulting in gross miscarriage of justice.
- C. Because the Hon'ble Court has not even considered the main prayer in the petition and proceeded to dispose it off on the basis that the petitioners were seeking cancellation of the contract rather than an inquiry or investigation into the criminal complaint that was made by the petitioners to the CBI.
- D. Because the Hon'ble Court has relied upon incorrect claims made by the government in unsigned notes which were conclusively rebutted by the petitioners in their petition and the rejoinder affidavit, which refutation has not even been considered by the Hon'ble Court.
- E. Because several new facts have come to light after the judgement was reserved in the matter, which go to the root of the matter and falsify the claims of the government which have been relied upon by the Hon'ble Court in its judgement.

PRAYER

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It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

- a) Review Judgement dated 14.11.2018 delivered by this Hon'ble Court in Writ Petition (Criminal) No. 298 of 2018;
- b) Recall Judgement dated 14.11.2018; &
- c) Grant an oral hearing in the open court to the petitioners' as the facts and circumstances of the case sufficiently necessitate.
- c) Be pleased to pass such other order or orders as this Hon'ble Court deems just and proper in the facts and circumstances of the case.

AND FOR THESE ACTS OF KINDNESS YOUR PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.

New Delhi

Filed on: 02 of January, 2019

Petitioners in Person

PRASHANT BHUSHAN

ALL INDIA BAR COUNCIL

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IN THE SUPREME COURT OF INDIA  
[REVIEW JURISDICTION]  
REVIEW PETITION (Cr) No.        OF 2018  
(Under Article 137 of the Constitution of India)  
IN  
WRIT PETITION (CRIMINAL) No.        OF 2018

**IN THE MATTER OF:-**

Yashwant Sinha & Ors.

Petitioners

Versus

Central Bureau of Investigation & Anr.

Respondents

**CERTIFICATE**

Certified that the present Review Petition for review of the impugned final judgement dated 14.11.2018 is based on the grounds admissible under the Rules in Order XLVII of the Supreme Court Rules, 2013. It is certified that this is the first and only Review Petition that has been filed before this Hon'ble Court. This certificate is submitted on the instructions given by the petitioner(s)/ person(s) whose Affidavit is filed in support of the Review Petition.

Filed by:

*Prashant Bhusan*  
(Advocate on Record)

New Delhi

Date: 02.01.2019

IN THE SUPREME COURT OF INDIA **57**  
CRIMINAL APPELLATE JURISDICTION  
REVIEW PETITION NO. OF 2019

IN

WRIT PETITION (CRIMINAL) NO. 298 OF 2018

IN THE MATTER OF:

YASHWANT SINHA & ORS.

PETITIONERS

VERSUS

CENTRAL BUREAU OF INVESTIGATION & ANR.

RESPONDENTS

AFFIDAVIT

I, Prashant Bhushan, S/o Shanti Bhushan, aged about 62 years, R/o House No. B-16, Sector 14, Noida, Uttar Pradesh - 201301, presently at New Delhi, do hereby solemnly affirm and state as under:

1. That I am the Petitioner No. 2 in the above mentioned Review Petition filed under Article 137 of the Constitution of India, and as such fully acquainted with the facts & circumstances of the case. I am competent to swear the present Affidavit.
2. That I have read and understood the contents of the Review Petition from (Page No. to ) and all accompanying Applications. I state that the facts therein are true and correct to the best of my knowledge and nothing material has been concealed therefrom. Source of information is primary documents and media reports in the public domain.
3. I further state that all the Annexures to the Petition are true copies of their respective originals.
4. That I have done whatsoever enquiry that was possible and I state that no relevant facts in my knowledge have been withheld.

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DEPONENT

**VERIFICATION**

I, the above named Deponent, do hereby solemnly verify that the contents of the affidavit are believed true and correct to the best of my knowledge, no part of it is false and nothing material has been concealed there from.

Verified at New Delhi on this 02 day of January, 2019.

DEPONENT

**ANNEXURE-R/3**

Bar & Bench (www.barandbench.com)

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R.A. NO 46/2019

IN

WRIT PETITION (CRL.) No. 298/2018

**IN THE MATTER OF:**

YASHWANT SINHA & ORS ..... PETITIONERS IN PERSON

VERSUS

CENTRAL BUREAU OF INVESTIGATION

AND ANR

..... RESPONDENTS

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Of the Comptroller and Auditor General  
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Bar & Bench (www.barandbench.com)  
[ORIGINAL WRIT JURISDICTION]  
R.A. NO46/2019  
IN  
WRIT PETITION (CRL.) No. 298/2018

**IN THE MATTER OF:**

YASHWANT SINHA & ORS ..... PETITIONERS IN PERSON

VERSUS

CENTRAL BUREAU OF INVESTIGATION

AND ANR ..... RESPONDENTS

**AFFIDAVIT ON BEHALF OF UNION OF INDIA**  
**MINISTRY OF DEFENCE**

I, Sanjay Mitra, Son of Late Uma Pati Mitra, aged about 59 years, working as Defence Secretary, Government of India, Ministry of Defence, Room No 101-A, South Block, New Delhi-110 001 do hereby solemnly state on oath as under:

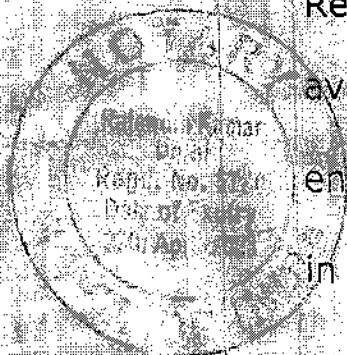
1. That I am the authorized signatory of the Respondent Union of India in the instant matter, as such I am well conversant with the facts and circumstances of the case and I am competent to swear this affidavit.
2. That this Hon'ble Court by a well reasoned judgement and order dated 14.12.2018 has dismissed the writ petition along with the other connected writ petitions. The Petitioners have thereafter filed a Review Petition seeking review of the judgement dated 14.12.2018 and recall the same. The said Review Petition is pending



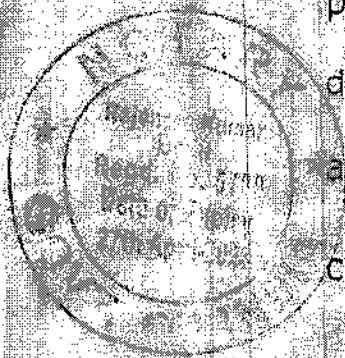


before this Hon'ble Court. It is, however, submitted that there is no error apparent on the face of the record and hence the Review Petition deserves to be dismissed. Bar & Bench (www.barandbench.com)

3. That in the Review Petition the petitioners have annexed @page 74-77 [marked Annexure P/4] a Note consisting of 04 pages marked SECRET. The same has been also authenticated by one of the Petitioners Shri Prashant Bhushan as true copy of respective original(s). Similarly, in M.A. No 403 of 2019 filed in Writ Petition (Crl) No 298 of 2018, the very same petitioners have annexed @ pages 28-29 [ marked Annexure A-1], a Note consisting of two pages, and another Note @ pages 37-44 thereof, [marked Annexure-A4] consisting of 08 pages. These documents have also been authenticated by one of the Petitioners Shri Prashant Bhushan as true copies of their respective originals.
4. That it is submitted that the documents attached by the petitioners are sensitive to National Security which relates to war capacity of combat aircraft. Since the Review Petition has been widely circulated and is available in public domain, the same is available to the enemy/our adversaries. This puts the National Security in jeopardy. Without consent, permission or



acquiescence of the Central Government, those who  
Bar & Bench (www.barandbench.com)  
have conspired in making the photocopy of these  
sensitive documents and annexing it to the Review  
Petition/ Misc. Application and thereby committing theft  
by unauthorized photocopying of such documents  
[1963 Supp 1 SCR 689, relied in this regard and copy  
annexed herewith and marked **Annexure R/1Pg 7**  
to ] ] ] ] have adversely affected the Sovereignty,  
Security and Friendly Relations with the foreign  
countries. It is further submitted that secrecy was  
envisaged in the various agreements that the Central  
Government had entered into with the concerned  
Foreign Government and others concerning matters of  
National Security. Even though the Central Government  
maintains secrecy, the petitioners and the deponent of  
the affidavit of the Review Petition are guilty of leakage  
of sensitive information, which offends the terms of the  
agreements. Additionally, those who have conspired in  
this leakage are guilty of penal offences under the  
Indian Penal Code including theft by unauthorized  
photocopying and leakage of sensitive official  
documents affecting National Security. These matters  
are now a subject of an internal enquiry which has  
commenced on 28.02.2019, and it is currently in



progress. In particular, it is of utmost concern to the  
Bar & Bench (www.barandbench.com)  
Central Government to find out where the leakage took  
place so that in future the sanctity of decision making  
process in governance is maintained.

5. The petitioners are using unauthorisedly accessed documents with the intention to present a selective and incomplete picture of internal secret deliberations on a matter relating to National Security and Defence. The documents presented by the petitioners are failing to bring out how the issues were addressed and resolved and necessary approvals of the competent authorities taken. The selective and incomplete presentation of the facts and records by the petitioners are intended to mislead this Hon'ble Court into deriving wrong conclusions which is very damaging to National Security and public interest. In this context, the Performance Audit Report of the Comptroller and Auditor General of India on Capital Acquisition in Indian Air Force Report No 3 of 2019, which is already presented to the Parliament and thus is in public domain, is annexed herewith and marked **Annexure R/2 [ Pg 12 to 156 ]**.

6. That it is submitted that these documents belong to a class, which the Government of India is entitled to claim

privilege under section 123, 124 of the Indian Evidence Act,

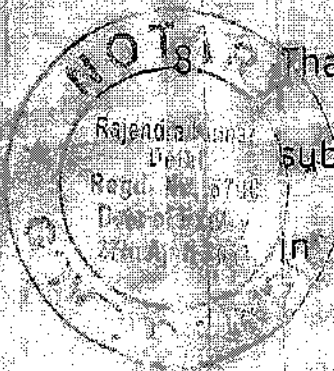
1872, which are as follows:- Bar & Bench (www.barandbench.com)

"123. Evidence as to affairs of State-.No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit."

"124. Official communications- No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure."

7. That the petitioners have no authority whatsoever to produce the same before this Hon'ble Court without the explicit permission of the Government of India, Ministry of Defence. In fact, the said documents produced by the petitioners unauthorisedly are also exempt from disclosure under Section 8 (1) (a) of the Right to Information Act, 2005.

That in the facts and circumstances set out above, it is submitted that while these documents belong to a class in respect of which privilege is hereby claimed under



petitioners have unauthorisedly and illegally produced Bar & Bench (www.barandbench.com) the same already and disclosed their contents along with the Review Petition and Misc. Application filed by them and that all details are already in the public domain, it has become imperative for the Union of India to seek removal of these documents from the record of the Review Petition and Misc. Application filed by the petitioners, as also dismissal of both the Review Petition No 46/2019 and Misc Application No 403/2019 filed in Writ Petition (Crl) 298 of 2018.

*Sanjay Mitra*  
DEPONENT  
(SANJAY MITRA)  
Defence Secretary

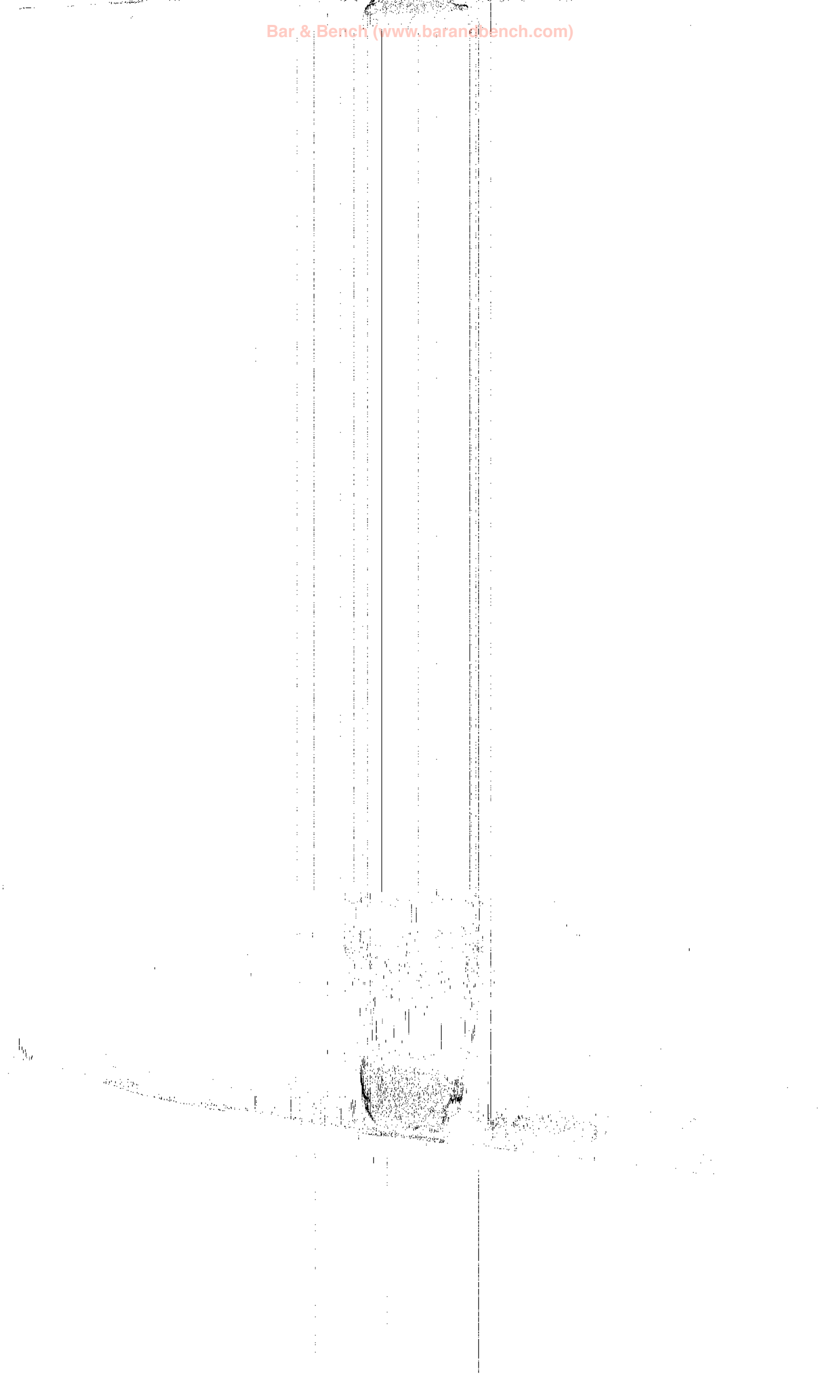
VERIFICATION

That the contents of this affidavit are true and correct based on knowledge derived from official record. No part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this \_\_\_\_ day of March, 2019

*Sanjay Mitra*  
DEPONENT  
(SANJAY MITRA)  
Defence Secretary

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ORIGINAL WRIT JURISDICTION  
R.A.No. 46/2019  
IN  
WRIT PETITION (CRL) No. 298/2018

IN THE MATTER OF:

YASHWANT SINHA &ORS ...PETITIONERS IN PERSON

VERSUS

CENTRAL BUREAU OF INVESTIGATION  
AND ANR ..RESPONDENTS

AFFIDAVIT ON BEHALF OF UNION OF INDIA  
MINISTRY OF DEFENCE

I, Sanjay Mitra, son of Late Uma Pati Mitra, aged about 59 years, working as Defence Secretary, Government of India, Ministry of Defence, Room No.101-A, South Block, New Delhi – 110001 do hereby solemnly state on oath as under:

1. That I am the authorized signatory of the Respondent Union of India in the instant matter, as such I am well conversant with the facts and circumstances of the case and I am competent to swear this affidavit.
2. That this Hon'ble Court by a well reasoned judgment and order dated 14.12.2018 has dismissed the writ petition along with the other connected writ petitions. The petitioners have thereafter filed a Review Petition seeking review of the judgment dated 14.12.2018 and recall the same. The said Review Petition is pending before the Hon'ble Court. It is, however, submitted that there is no error apparent on the face of the record and hence the Review Petition deserves to be dismissed.
3. That in the Review Petition, the petitioners have annexed @ page 74-77 (marked Annexure P/4) a Note consisting of 04 pages marked SECRET. The same has been also authenticated by one of the Petitioners Shri Prashant Bhushan as true copy of respective original(s). Similarly, in M.A. No.403 of 2019 filed in Writ Petition (Crl.) No.298 of 2018, the very same petitioners have

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annexed @ pages 28-29 (marked Annexure A-10, a Note consisting of two pages, and another Note @ pages 37-44 thereof, (marked Annexure – A4) consisting of 08 pages. These documents have also been authorized by one of the Petitioners Shri Prashant Bhushan as true copies of their respective originals.

4. That it is submitted that the documents attached by the petitioners are sensitive to National Security which relates to war capacity of combat aircraft. Since the Review Petition has been widely circulated and is available in public domain, the same is available to the enemy/our adversaries. This puts the National Security in jeopardy. Without consent, permission or acquiescence of the Central Government, those who have conspired in making the photocopy of these sensitive documents and annexing it to the Review/Misc. Application and thereby committing theft by unauthorized photocopying of such documents (1963 Supp 1 SCR 689, relied in this regard and copy annexed herewith and marked **Annexure R/1** Pg.7 to ) have adversely affected the sovereignty, security and friendly relations with the foreign countries. It is further submitted that secrecy was envisaged in the various agreements that the Central Government had entered into with the concerned Foreign Government and others concerning matters of National Security. Even though the Central Government maintains secrecy, the petitioners and the deponent of the affidavit of the Review Petition are guilty of leakage of sensitive information, which offends the terms of the agreements. Additionally, those who have conspired in the leakage are guilty of penal offences under the Indian Penal Code including theft by unauthorized photocopying and leakage of sensitive official documents affecting National Security. These matters are now a subject of an internal enquiry which has commenced on 28.02.2019, and it is currently in progress, in particular, it is of utmost concern to the Central Government to find out where

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7. That the petitioners have no authority whatever to produce the same before this Hon'ble Court without the explicit the same before this Hon'ble Court without the explicit permission of the Government of India, Ministry of Defence. In fact, the said documents produced by the petitioners unauthorizedly are also exempt from disclosure under Section 8(1)(a) of the Right to Information Act, 2005.

8. That in the facts and circumstances set out above, it is submitted that while these documents belong to a class in respect of which privilege is hereby claimed under petitioners have unauthorizedly and illegally produced the same already and disclosed their contents along with the Review Petition and Misc. Application filed by them and that all details are already in the public domain, it has become imperative for the Union of India to seek removal of these documents from the record of the Review Petition and Misc. Application filed by the petitioners, as also dismissal of both the Review Petition and Misc. Application filed by the petitioners, as also dismissal of both the Review Petition No.46/2019 and Misc. Application No.403/2019 filed in Writ Petition (CrI) No.298 of 2018.

Sd/-  
Deponent  
(Sanjay Mitra)  
Defence Secretary

VERTIFICATION

That the contents of this affidavit are true and correct based on knowledge derived from official record. No part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this \_\_\_\_ day of March, 2019.

Sd/-  
Deponent  
(Sanjay Mitra)  
Defence Secretary

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ANNEXURE-R/4

Home > Nation

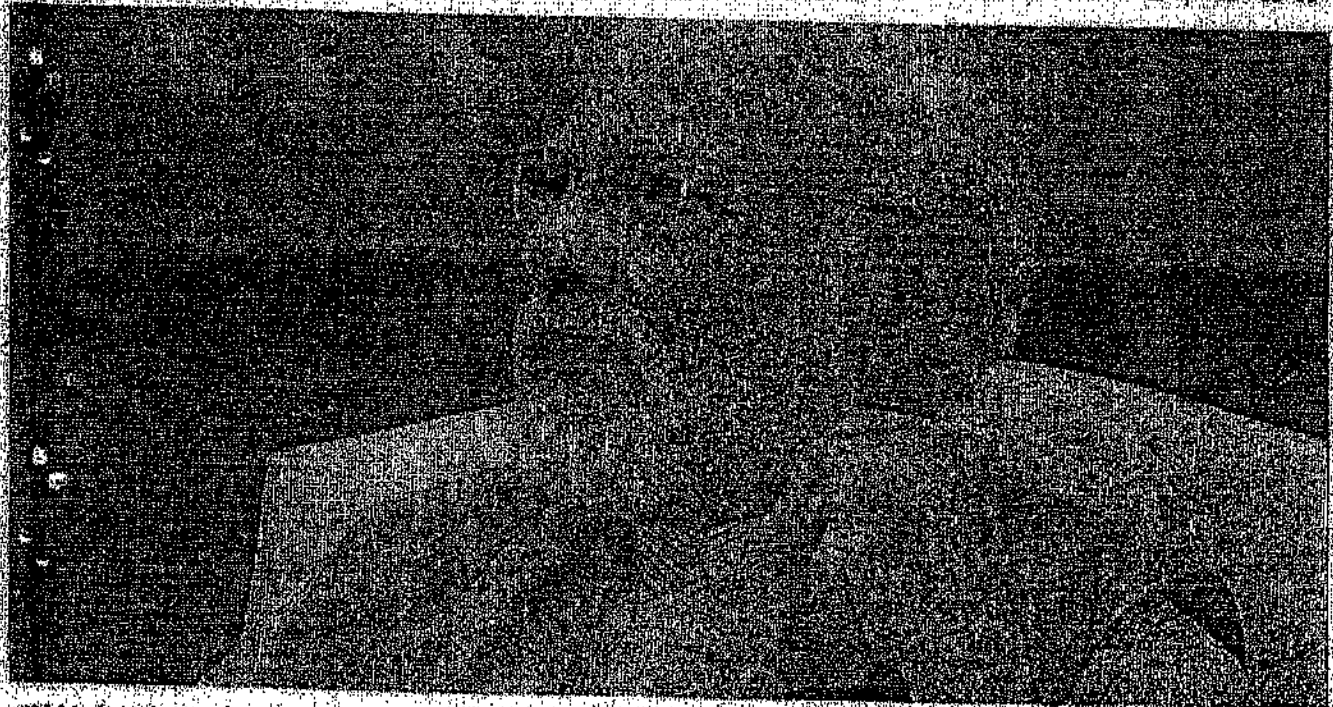
# EXCLUSIVE INTERVIEW | 71 Corruption-free government is possible: Prime Minister Narendra Modi

2014 was about hope for change. 2019 is about the confidence that change has happened and the expectation that more good work will happen, says PM Modi in an exclusive interview with TNIE.



Published: 16th April 2019 01:48 AM | Last Updated: 16th April 2019 01:14 PM

Print | A+ A-



PM Modi at the BJP manifesto release event. (Photo | PTI)

By G S Vasu, H Khogen Singh and Manish Anand

Express News Service

Prime Minister Narendra Modi saw nothing wrong in the NDA government taking credit for the manner in which Pakistan was given a befitting answer for "exporting" terror, but refuted the charge that his party was using the armed forces for political benefits.

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Coming to the merits of demonetisation, everyone knew that there is a problem of black money. Someone had to act and I did. We have achieved very good results in our fight against black money.

The anti-black money measures taken by us during the last four-and-a-half years have brought the undisclosed income of Rs 1,30,000 crore on which tax and penalties have been applied. It has led to seizure and attachment of assets worth approximately Rs 50,000 crore.

During this period, benami assets worth Rs 6,900 crore and foreign assets worth Rs 1,600 crore have been attached. As many as 3,38,000 shell companies have been detected and de-registered and their directors disqualified.

The tax base has almost doubled and there is a large transition from an informal economy to a formal one.

Defence deals have always been mired in controversies, Rafale is no exception. Shouldn't there be a consensus through the involvement of Parliament to make defence purchases free of controversies?

Defence deals were previously mired not only in controversies but even corruption. This was due to the involvement of mammas.

There is no controversy on Rafale. In order to remove any scope of corruption, Rafale saw a government-to-government deal. There are no third parties or mammas involved. The Congress president is trying his best to create an issue in order to clear the blot of Bofors in his father's name. But the people of the country know it all.

It is also the duty of the independent media to ask questions from those making baseless allegations when the Supreme Court and the CAG have cleared the deal. The media should have the guts to ask counter questions where they get such baseless numbers and conspiracy theories from. You have the courage to speak the truth to those in power but I wonder why that courage is lacking when it comes to speaking the truth to those, not in power?

Q: relations with Pakistan, we insist on tackling cross-border terrorism first but they say resolve Kashmir first.

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We do not believe that politicians and bureaucracy have a solution for all issues. We believe in harnessing the best talent to solve issues. We are a country where there is no dearth of talent. There is a big talent pool working in the vibrant private sector. Why shouldn't we tap that talent pool for the betterment of the country?

The issue of lateral entry was being discussed for a long time, but no one wanted to let go of their monopoly on decision-making.

There are bright and passionate individuals in the private sector who have ample experience. They should be given an opportunity to work for the government and bring ideas inspired by their outstanding careers. Remember that these people have not just domestic but also international exposure.

**What's the one thing you would like to do most in the event of the NDA retaining power?**

For me each aspect of the Sankalp Patra (election agenda) is important. For me, one commitment is no less than the other. Besides, allow some secrecy for what we could be doing after May 23.

**After five years, do you have any regret at not being able to finish any work?**

There are some who do a few things and draw satisfaction from them. There are others who after doing work sow the seeds for new work. Naya, phir naya, aur naya (new, again new and more new). My strength is that I am not satisfied with anything. Aspirations remain alive all the time in me. I would like the energy to remain strong within me to complete my dream for the country.

Ads by Klooked

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Lok Sabha polls 2019 General Elections 2019 PM Modi Talks to Express

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# Firstpost

Friday, April 19, 2019 | <http://india.firstpost.com/>

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## Narendra Modi Interview to News18 Updates: Demonetisation was needed to speed up formalisation of economy, says PM

[India \(category/india\)](https://www.firstpost.com/india/) | [NP Staff \(https://www.firstpost.com/author/np-staff/\)](https://www.firstpost.com/author/np-staff/) | Apr 09, 2019 20:31:06 IST



Ankur Bhargava, Pooja - DN

### LIVE NEWS and UPDATES ONLINE



20:04 (IST)

**Q:** You appealed to youngsters to spread voter awareness. What would you like to tell the voter on 'butter chunni dastikhanda' campaign of Network 18?

**A:** ... (as all voters come on) and just that vote early in the morning. *Khata hachan, bhari the lalpan* (Vote first then breakfast). Voters today are very aware. There are long queues at booths. One voter to carry water to drink. I would like to urge pencils, rolling and a heavy turnout. I would like to specially reach out to first time voters, people born in the 21st century. New voters deserve a special respect and a place of pride, for the first time they are about to cast their vote on national issues and be a part of the nation's development. I urge first time voters to definitely come out and vote. Let's also verify our names in the voters list on the day of vote. Let all voters be part of this great election festival. Let democracy be eternal. Let's move forward with this mission.

With the Lok Sabha Election right around the corner, Prime Minister Narendra Modi gave an exclusive interview to Network 18 group editor-in-chief Rahul Joshi. Modi spoke about a whole host of issues prior to the Lok Sabha polls right from demonetisation, the nationalism debate and why the voters will choose his government's

"TRUE COPY"

A. Their main slogan for this election is 'Aage hai yaar'. This means that they agree that in 60 years of their rule they have done many things. So knowingly or unknowingly, they have admitted that they have done injustice for 60 years in power. When they think about why what about justice to the victims of the 1984 anti-Sikh riots? What about pay for the victims of Operation Blue Star? What about the farmers of Chhattisgarh, Rajasthan and Madhya Pradesh who were promised land reforms? You promised them justice in just 10 days. It has been 100 days now. When will they get justice? The victims of the Bhopal gas tragedy are asking why did the Congress allow the guilty to flee the country. They are seeking justice. The victims of the Bilkul Nambal Narey case were framed in a false case and put in jail. It dealt a blow to India's space program. Nambi Narey is asking for justice. You framed innocent people in connection with the Semmlha Express blast. They were in jail for so many years in a false case. They are asking for justice. In the name of the same Congress, you coined the term 'Hindu terror' to link Hindus to terrorism. This nation's Hindus are asking for justice. They want to know why they were branded terrorists. PV Narasimha Rao is asking for justice. Congress did not allow his name in the party office even though he dedicated himself to them. His soul is asking for justice. If he paid taxes of India, Dr. Ambedkar, Nehru, Biju Patil, Sardar Vallabhbhai Patel are also asking for justice. Why weren't they given a proper place in history? Why was the centenary of Mahatma Gandhi celebrated? Thank all for my life coming from every corner of this country. I don't believe they are capable of delivering justice.

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1917 (33)

Q. How should we start to improve India's wealth? PM

A. I have been in public life for years. I was chief minister of a state. Even the Congress leader of opposition said you can't accuse Modi of corruption. So, however hard they try, the people of India will never accept lies. The public is very smart, they understand when people say 'Aage hai' the show that slogan goes in 2013-2014 when I was campaigning for the Lok Sabha polls. I used to tell people you make me the show that slogan and I will not let anyone steal your wealth. That used to be part of my speech. Even today I say 'Aage hai' and I will not let anyone steal. And if someone does, I am strengthening the law and taking strong action. The government has succeeded in creating an environment that encourages honesty. Narendra Modi said.

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1918 (33)

Q. The opposition is trying to trap you with fake allegations. They even coined the slogan 'chowkida chor hai'. You turned it around and said 'main bhi chowkida'. Where did you get this idea from and how did you bring it to the public?

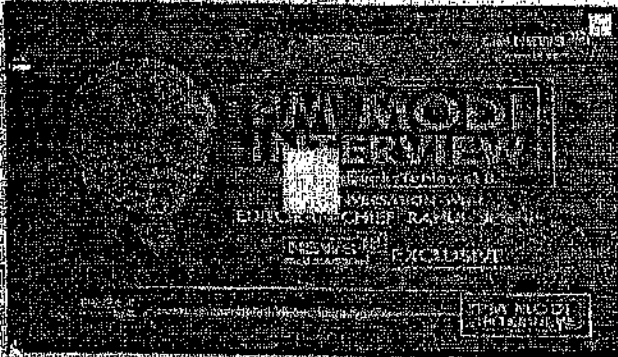
A. As far as fake issue is concerned, even the opposition wasn't using it much. One individual kept repeating the same lie. And wherever there is lie, it is rejected. Whether in the Supreme Court or by the CAG. Some neutral journalists also raised the issue of how long could that have lasted? His advisors also told him that he can't go on repeating the same lie. His own people told him to let the issue go, but he wanted to wash the colors of the party. Repeating the same lie. Congress has been destroyed by defence scams. So they try to make the same allegations against all governments. During the Vajpayee government, they tried to trap George Fernandes in the coffin scam. It turned out to be a lie. Now they are trying to similarly trap me. We are asking for proof to be shown in public but they are not giving any. They are only saying that every lie is not lying and we will.

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18/04/2019

We're at the crossroads of eliminating terrorism: PM Narendra Modi



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#ModiSpeaksOnNews18 | We're at the crossroads of eliminating terrorism: PM @narendramoditells @News18Group Editor-in-Chief @187andLosh

Watch PM Modi's interview on India's largest TV network Tonight at 7 PM (8:30pm IST) on News18  
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18/04/2019

PM Narendra Modi interview to be aired on CNN-News18 at 7 pm and 10 pm

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**Narendra Modi Interview to News18 Updates: Demonetisation was needed to speed up formalisation of economy, says PM**

**Q. You appealed to journalists to spread voter awareness. What would you like to tell the voter on 'button dabao desh banao' campaign (of Network18)?**

A. I urge all voters come out and cast their vote early in the morning. *Pehle maddaan, baad me jalpaan* (vote first, then breakfast). Voters today are very aware. There are long queues at booths. Urge voters to carry water to drink. I would like to urge peaceful polling and a heavy turnout. I would like to specially reach out to first time voters, people born in the 21st century. New voters deserve a special respect and a place of pride, for the first time they are about to cast their vote on national issues and be a party to the nation's development. I urge first time voters to definitely come out and vote. Let's also verify our names in the voters' list online in advance. Let all voters to be part of this great election festival. Let democracy be eternal. Let's move forward with this mission.

**Q. LK Advani said 'nation first, party next, self last'. You endorsed this. But Advani also said people with differing views shouldn't be termed anti-nationals.**

A. He has stated the basic principles of the BJP. These are our principles. All BJP workers say the same. The nation is supreme, the party is next and the self is last. Even on the issue of nationalism, this remains our stand. It's the Congress that is to blame. Do you know a Congress leader termed Vajpayee a traitor? Do you know that on the floor of the House, a senior Congress leader who recently passed away called Atal ji a traitor? So, Advani ji is absolutely right.

**Q. Many have said there have been problems in several institutions under your government. Two RBI governors had issues with the government, there was infighting in the CBI and four senior SC judges raised issues. How do you view institutional credibility?**

A. Such issues raised by the Congress are completely nonsensical. When they lose elections the Election Commission is flawed. They want the judiciary to run as per their whims and fancies. They'll raise impeachment norms against the chief justice and then keep the issue hanging till their ends are met. The Congress is behind



Why were their contributions ignored? The call for nyay is coming from every corner of this country. I don't believe they are capable of delivering justice.

**'I am a chowkidar, won't let anyone steal India's wealth:' PM**

"I have been in public life for years, I was chief minister of a state. Even the Congress leader of opposition said you can't accuse Modi of corruption. So, however hard they try, the people of India will never accept lies. The public is very smart, they understand these people. As far as the chowkidar slogan goes, in 2013-2014 when I was campaigning for the Lok Sabha polls, I used to tell people 'you make me the chowkidar and I will not let anyone steal India's wealth'. That used to be part of my speech. Even today I say I am the chowkidar and I will not let anyone steal. And if someone does, I am strengthening the law and taking strong action. The government has succeeded in creating an environment that encourages honesty," Narendra Modi said.

**Q. The opposition is trying to trap you with Rafale allegations. They even coined the slogan 'chowkidar chor hai'. You turned it around with 'main bhi chowkidar'. Where did you get this idea from and how did you bring it to the public?**

**A.** As far as rafale issue is concerned, even the opposition wasn't using it much. One individual kept repeating the same lie. And everywhere, these lies were rejected. Whether in the Supreme Court or by the CAG. Some neutral journalists also raised the issue of the money trail in Bofors. But here that individual spoke without any basis, how long could that have lasted? His advisors also told him that Rafale does not resonate as a political issue. His own people told him to let the issue be. But he wanted to wash the Bofors stain on his father by raising Rafale. Congress has been destroyed by defence scams. So they try to make the same allegations against all governments. During the Vajpayee government, they tried to trap George Fernandes in the coffin scam. It turned out to be lies. Now they are trying to similarly trap me. We are asking for proof to be shown in public but they are not giving any. They are only lying. That's why this issue is not flying, nor will it.

**Q. Apart from nationalism, what are the other issues that you will highlight to the voter?**

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meet the common citizen's aspirations? In the five years since 2014 we have worked to bring India out of a cocoon of despair, to bring in new era of self-confidence. We have focused on the needs of the common citizen -- housing, power, water, roads, etc. We have fulfilled basic needs in the last five years. The next five years we will work on empowering the common citizens to fulfil their aspirations

Transcript of Narendra Modi's Rafale Question during ABP News

Interviews telecasted on 6 April 2019.

पत्रकार—क्या यह झूठ है कि आपन अनिल अंबानी को Rafale का सोदा करवा करुयदानहीपहुंचायाहें

नरेन्द्रमोदी—आप सुप्रीम कोर्ट में भी भरोसा नहीं करोगे।

पत्रकार—बिल्कुल करेंगे सर

मोदी—अगर ABP News सुप्रीम कोर्ट पर भरोसा नहीं करती तो इससे बड़ा दुर्भाग्य क्या हो सकता है? आप CAG पर भरोसा नही करोगेक्या? क्या France के President की बातको नही मानोगे? France Government, भारत सरकार ने Parliament जंहा पर इतने भाब्दकहें वो भी नहीं मानोगे और आप इतने bias हैं और मैं सीधा आज अभी ABP पर आरोप लगाता हूँ। मेरा आरोप यह हैकि एक झूठ जो कहीं सिद्ध नहीं हुआ। झूठ बोलने वाले को सवाल पूछने की आपकी हिम्मत नहीं है। इतनेबड़े स्वतंत्र Media की बात करने वाले लोगों ने, 6 महीने से एक झूठ चल रहा है, एक सवाल नहीं पूछा। Parliament में सार जवाब हमने दिये हैं, फिर भी नही पूछने की हिम्मत आपने नहीं बताई। आपकी क्या मजबूरी है आप जानें। दूसरा कहीं किसी कोने में Social Media में भी एक आघ चीज बूरी आ जाये तो आप चौबीस घंटे का Headline News बनातेहैं। लेकिन पिछले 10 दिन में Online Magazine में इस परिवार के खिलाफसबुतों के साथ भ्रष्टाचार के आरोप लगेहैं जो online available हैं, सबुतों के साथ। सबुत के source उसमें लिखे हुये हैं। कल देजा के वित्त मंत्री ने उस online report के आधार पर press conference की, आपके ABP ने blackout किया। आपके ABP ने इसपरचर्चा नही की। आपकी ABP एक झूठी खबर परदे जा के प्रधानमंत्री को सवाल पूछने के लिए हिम्मत कर सकती है और आपके सवाल का स्वागत है, लेकिन आपका ABP वित्त मंत्री की press conference को blackout करें। आपका ABP वित्त मंत्री के इन आरोप का उल्लेख ना और अपना उस परिवार से जवाब मांगते हैं। क्या मजबूरी है आप लोगों की? क्यों सच बाहर नहीं

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लाते हो? आपको अगर हम legal activity करें तो भी पहला सवाल वहीं से शुरू किया कि आप परिवार के खिलाफ क्यों कर रहे हो? आखिरी सवाल भी आप वो हि लेकर के आये। मैं हैरान हूँ कि आप लोगो की क्या मजबूरी है।

पत्रकार—नहीं सर कोई मजबूरी नहीं है वो जब मिलेंगे तो उनसे भी सवाल पूछेंगे।

मोदी—मैं सीधा आरोप, कल की वित्त मंत्री की press conference का सीधा आरोप आप पर लगाता हूँ। और आपके camera के सामने लगा रहा हूँ।

पत्रकार—आप बिल्कुल कह सकते हैं।

मोदी—कह सकते हैं नहीं हूँ, मैं लगा रहा हूँ।

पत्रकार—पर मोदी जी राफेल पर मैं बहुत सारें debate करती हूँ, हमने बहुत सवाल पूछे हैं।

मोदी— सवाल ये है, जब वो आरोप लगाते हैं, किसी ने counter question किया? कोई तो बताओ कि भई तुम कहां से कह रहे हो ये।

पत्रकार—सर कुछ reports छपी अखबारो में जिसमें ये कहा गया की Prime Minister's office सीधे Negotiate कर रहा था Dassault company के साथ।

मोदी—उसके संबंध में भी वित्त मंत्रालय ने साफ कह दिया है। Defence मंत्रालय ने साफ कह दिया है। File पे clear हो चुका है। अब आप यह भी कह सकते हैं कि भई ये Air Force इतना बड़ा operation करता था तो प्रधानमंत्री क्यों जागते थे। अब आपको ये भी एतराज हो सकता है। तो मुझे देना का प्रधानमंत्री बनने की जरूरत क्या थी? अगर कुछ बुरा होता है तो आप सवाल मुझसे करते हैं और मैं काम करता हूँ तो आप लोग कहते हैं कि भई काम क्यों करते हो। ये क्या सोच है आपलोगों की।

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Journalist: Is it wrong that you have not helped Anil Ambani in getting benefits out of the Rafale deal?

Narendra Modi: You do not have belief in Supreme Court as well?

Journalist – We do Sir.

Modi - If ABP News does not rely on the Supreme Court, then what can be the biggest misfortune? Will you not trust CAG? Would not you agree to the President of France? France Government...., The Government of India said so many words in Parliament, Will you not trust them. And you are so bias and I just blame ABP today. My accusation is that a lie which was not proven anywhere, and you do not have the courage to ask a question from the liar. People who talk about Media freedom have not asked a single question. A lie have been spread for 6 months yet a question have not been asked. We have given all the replies in the Parliament, yet you dare not ask. You know what your compulsion is. Secondly, if there is even a slight bad thing on Social Media in some corner, then you make 24-hour Headline News. But in the last 10 days, a Online Magazine has accused this family for corruption, which are available online and with evidence. The sources of the evidence are written there. Yesterday, the country's finance minister did a press conference on the basis of that online report, your ABP blackout the event. Your ABP did not discuss this. Your ABP can dare to ask the Prime Minister of the country on a false news, and your question is welcome, but your ABP blackout the minister's press conference. Your ABP not mention these allegations of the minister, and you neither seek answers from that family. What compulsions do you have? Why do not you bring the truth out? Even if we do legal activity, you start your first question that why are we acting against the family? The last question also came from there. I am amazed at what are your compulsion are?

Journalist - No sir there are no compulsions, when they meet, we will ask questions from them too.

Modi - I impose a direct charge, the direct charge for yesterday's minister's press conference on you. And I'm putting this in front of your camera.

Journalist - You can say that.

Modi - Not say, I am putting it.

Journalist - But I do a lot of debate on Rafael Modiji, we have asked many questions.

Modi - The question is, when they accuse, someone counter questioned them? Someone can say that Bhai, where are you saying this from?

Journalist - Sir, in some printed newspapers there were reports that Prime Minister's office was directly negotiating with Dassault Company.

Modi - Finance Ministry has also cleared that and Defence Ministry have also cleared. This was cleared on file also. Now you can also say that if the Air Force was doing such big operation then why did the Prime Minister wake up? Now you may also have problem on this. So what was the need for me to become the Prime Minister of the country? If something bad happens, then you ask me questions and if I work then also you people say Bhai why do you work. What are your thoughts?

# Narendra Modi (https://www.narendramodi.in/)

Home (https://www.narendramodi.in/) » News Updates (https://www.narendramodi.in/categories/news-updates) » Implementation of schemes such as PM Awas Yojana, Ujjwala Yojana, Saubhagya Yojana in Amethi is ensuring 'Ease of Living': PM

## Implementation of schemes such as PM Awas Yojana, Ujjwala Yojana, Saubhagya Yojana in Amethi is ensuring 'Ease of Living': PM (https://www.narendramodi.in/text-of-pm-s-address-at-the-unveiling-of-various-development-projects-in-amethi-up)

March 03, 2019



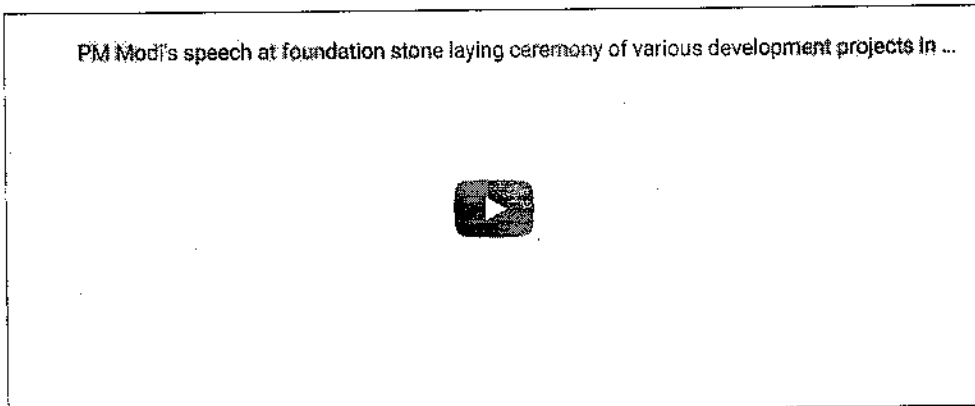
Despite projecting a requirement for bullet-proof jackets in 2009, no such jackets were procured till 2014: PM Modi



Implementation of schemes such as PM Awas Yojana, Ujjwala Yojana, Saubhagya Yojana and construction of toilets, in Amethi, is ensuring 'Ease of Living': PM



PM Kisan Samman Nidhi will ensure that 7.5 lakh crore rupees reach farmers over the next ten years: PM



करके जयकारा बोलना है। और तीन अलग-अलग जयकारे मैं बुलवाऊंगा।  
भारत माता की जय का जयकारा बोलना है। पराक्रमी भारत के लिए-  
भारत माता की - जय  
जरा पूरी ताकत से बोलिए- पराक्रमी भारत के लिए-  
भारत माता की - जय  
विजयी भारत के लिए -  
भारत माता की - जय  
वीर जवानों के लिए-  
भारत माता की - जय  
बहुत-बहुत धन्यवाद।

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जैसे-तैसे यहाँ काम तो शुरू हुआ, क्योंकि सामने चुनाव था, कुछ तो दिखावा करना जरूरी था, लेकिन आधुनिक राइफल तब भी नहीं बनी। और यहाँ हां, ये भी मत भूलिए कि फैक्टरी में इन्होंने वादा किया था- ये कहते हैं ना कि हम वादा करके निभाते हैं, हम कभी झूठ बोलते नहीं हैं- ये भी बहुत बड़ा झूठ बोलते हैं। और ये भी मत भूलिए- उन्होंने कहा था कि 1500 नौजवानों को रोजगार देने का वादा किया था। किया था भाई, 1500 लोगों को फैक्टरी में वादा किया था? इस अमेठी की बात है, देश की नहीं कर रहा हूँ। लेकिन इतनी बड़ी बातें करने वाले लोगों ने अमेठी के लोगों की आंखों में धूल झाँकी और सिर्फ 200 लोगों को काम मिला, और आज देशभर में रोजगार के भाषण देते घूम रहे हैं।

अमेठी के मेरे भाइयों और बहनों, अब आज इतने वर्षों के इंतजार के बाद अमेठी की ordnance factory में दुनिया की सबसे आधुनिक राइफलों में से एक का निर्माण शुरू होने जा रहा है।

साथियो, मैं आपसे जानना चाहता हूँ क्या आधुनिक राइफलें न बनाकर हमारे वीर जवानों के साथ अन्याय हुआ कि नहीं हुआ? अन्याय हुआ कि नहीं हुआ? क्या ordnance factory की पूर्ण क्षमता का इस्तेमाल न करके यहाँ के संसाधनों के साथ अन्याय हुआ कि नहीं हुआ? क्या रोजगार न देकर अमेठी के नौजवानों के साथ अन्याय हुआ कि नहीं हुआ?

साथियो, पहले जो सरकार थी, उसने सुरक्षाबलों की सुरक्षा को नजरअंदाज करने में कोई कोर-कसर बाकी नहीं रखी। हमारे वीर जवानों को बुलेटप्रूफ जैकेट के लिए कैसे तरसाया गया, इसे देश को बार-बार याद कराना आवश्यक है। सल 2009 में सेना ने एक लाख 88 हजार बुलेट प्रूफ जैकेट की मांग की थी। बिना बुलेट प्रूफ जैकेट के हमारा जवान दुश्मन की सेना की गोलियों और आतंकियों की छापामार कार्रवाई का सामना कर रहा था। अपनी जान की बाजी लगाकर आतंकियों के साथ खतरनाक एनकाउंटर करता था। 2009 से लेकर 2014 तक, पांच साल-पांच साल कम समय नहीं होता है, लेकिन सेना के लिए बुलेट प्रूफ जैकेट नहीं खरीदी गई। ये हमारी ही सरकार है, जिसने बीते साढ़े चार वर्षों में दो लाख 30 हजार से ज्यादा बुलेट प्रूफ जैकेट खरीदने का ऑर्डर दे दिया।

मैं आज अमेठी में आया हूँ तो आप लोगों से जानना चाहता हूँ कि देश के वीर जवानों को राइफल का इंतजार कराने वाले, बुलेट प्रूफ जैकेट का इंतजार कराने वाले ये लोग कौन थे? कौन लोग थे? मैं किसी का नाम नहीं लूंगा, लेकिन आप भलीभांति जानते हैं कि ये कौन लोग थे, आप भलीभांति जानते हैं कि कौन लोग थे। और इसलिए भाइयो-बहनों- भारत माता की जय। और इसलिए भाइयो-बहनों, आप जानते हैं मुझे किसी का नाम लेने की जरूरत नहीं है।

भाइयो और बहनों, हमारे देश को आधुनिक राइफल ही नहीं, आधुनिक बुलेट प्रूफ जैकेट ही नहीं, आधुनिक तोप के लिए भी इन्हीं लोगों ने इंतजार कराया है। ये हमारी ही सरकार है जिसने आधुनिक तोप को सौदा किया और अब तो भारत में ही ये बनाई जा रही है।

साथियो, आधुनिक तोप की ही तरह आधुनिक लड़ाकू विमानों के लिए हमारी वायुसेना दशकों से कह रही थी, लेकिन जिनकी नीयत ही खराब हो, उनको भला वायुसेना की आवाज कहां सुनाई देगी। ये लोग सालों तक राफेल विमानों के सौदे पर बैठे रहे और जब सरकार जाने की बारी आई तो उसको ठंडे बस्ते में फेंक दिया। ये हमारी ही सरकार का प्रयास है कि अगले ही कुछ महीनों में पहला राफेल विमान भारत के आसमान में होगा। लेकिन ये लोग, अभी भी ये राफेल विमानों के सौदे को अपने निजी स्वार्थ के लिए, निजी हित के लिए, उसको भी नाकाम कराने के लिए, फेल कराने के लिए, कुछ न कुछ नए-नए नखरे कर रहे हैं।

भाइयो और बहनों, सुप्रीम कोर्ट से लेकर सीएजी तक, हर संस्था कह रही है कि भारत सरकार ने सही निर्णय किया है, सही समय पर किया है, सही सौदा किया है और देश के हित में किया है। लेकिन ये लोग झूठ पर झूठ बोलते जा रहे हैं। रक्षा सौदे में कमीशन न मिलने की बौखलाहट क्या होती है, ये कुछ लोगों के चेहरों पर साफ देखी जा सकती है।

साथियो, आधे-अधूरे मन से जैसे इन लोगों ने देश की सुरक्षा की परवाह नहीं की, वैसा ही व्यवहार अमेठी के लोगों के साथ भी किया गया है। अमेठी के लिए क्या-क्या कहा गया था, लेकिन आज अमेठी की स्थिति क्या है, ये आपसे बेहतर कौन जानता है।

भाइयो और बहनों, जब नीयत न हो, जब गरीब का भला करने की मंशा न हो, जब लोगों से सिर्फ झूठ ही झूठ बोलना हो तो यही परिणाम आता है। आप याद करिए, यहाँ पर लगी स्टील फैक्टरी भी सिर्फ इसलिए चली गई क्योंकि इसके लिए गैस की व्यवस्था नहीं की गई। यहाँ के मेधापुर foodpark के साथ भी यही किया गया। वहीं हमने स्टील फैक्टरी के बारे में सोचा तो गैस पाइप लाइन की व्यवस्था की। अब ये स्टील फैक्टरी अमेठी को रोजगार देने के लिए और देश में स्टील उत्पादन को और गति देने के लिए तैयार है।



भाइयो और बहनों, यही हाल गोलीगंज में साइकिल की फैक्टरी लगनी थी, उसका भी क्या हुआ: किसानों से जमीन ले ली, हाँ किसानों से जमीन ले ली, फैक्टरी नहीं लगाई और जमीन पिछले दरवाजे से अपने नाम कर ली। अमेठी के विकास के नाम पर आपकी भावनाओं से इसी तरह खेला गया है।

साथियो, जब सत्ता स्वार्थ बन जाती है, विरासत को विस्तार देना ही एकमात्र लक्ष्य बन जाता है, तब देश की जरूरतों का पीछे छूट जाना बहुत स्वाभाविक होता है। जब अपने लोगों का, अपने रिश्तेदारों का भला करना प्राथमिकता बन जाता है तो सामान्य मानवी के कल्याण की भावना खत्म हो जाती है। दुर्भाग्य से अमेठी के साथ यही हुआ है।

मैं एक टीवी रिपोर्ट देख रहा था। उसमें यहाँ एक दलित बस्ती की रिपोर्ट दिखाई गई। बताया गया कि 2008 में दलितों को जो घर दिए गए थे, वो दस साल के भीतर की गिरने की स्थिति के कारण पर आकर खड़े हो गए हैं। उन बस्तियों के लोग बता रहे थे कि यहाँ के सांसद ने बस्तियों को अपना नाम तो दे दिया लेकिन उसे बाद उन लोगों को वो भुला दिया गया।

साथियो, अमेठी के लोगों के साथ किस तरह का बर्ताव किया गया, आप इसके गवाह हैं। और आज आप ये भी देख रहे हैं कि हमारी सरकार ने यहाँ कैसे विकास का कार्य किया है।



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Implementation of schemes such as PM Awas Yojana, Ujjwala Yojana,... <https://www.narendramodi.in/text-of-pm-s-address-at-the-unveiling-of->

प्रधानमंत्री आवास योजना के तहत अमेठी में ऐसे 9 हजार से अधिक घरों का निर्माण किया गया है। उज्ज्वला योजना के तहत मुफ्त गैस कनेक्शन देकर, सौभाग्य योजना के तहत मुफ्त बिजली कनेक्शन देकर, शौचालयों का निर्माण कराकर यहां के लोगों का जीवन आसान बनाने की कोशिश की गई है।

भाइयो और बहनों, वोट लेकर जनता को भूल जाना कुछ परिवारों की प्रवृत्ति है, कुछ लोगों की प्रवृत्ति होती है। वो गरीब को गरीब बनाए रखना चाहते हैं ताकि पीढ़ी-दर-पीढ़ी गरीबी हटाओ के नारे लगा सकें। हम गरीब को सशक्त बना करके उसे इतनी ताकत दे रहे हैं कि वो अपनी गरीबी से तेजी से बाहर निकले। यही वजह है कि आज भारत उन देशों में गिना जाता है जहां बेहद तेजी के साथ गरीबी कम हो रही है। गरीबों के प्रति, उनकी जरूरतों के प्रति संवेदनशीलता कुछ लोगों में रही नहीं है।

साथियो, गरीबों के साथ जो किया गया, वही देश के किसानों के साथ भी हुआ। इन लोगों ने कभी किसानों को सशक्त करने की कोशिश ही नहीं की। उसकी छोटी-बड़ी दिक्कत को ये नजरअंदाज करते रहे। जब किसान इनकी योजनाओं से परेशान हो जाता था तो ये कर्ज भाफी के धम में उसे फंसा देते थे। पिछली बार साल 2008 में इन्होंने 52 हजार करोड़ रुपये की कर्ज भाफी की जबकि देश के किसानों पर 6 लाख करोड़ रुपये का कर्ज था।

इतना ही नहीं, जितनी कर्ज भाफी की, उसका लाभ भी औसतन देश के तीन-साढ़े तीन करोड़ यानी अगर आपके गांव में 100 किसान हैं तो मुश्किल से 20 या 25 किसानों को लाभ मिला। बाकी कर्ज भाफी का लाभ तो इनके सारे सिपहरदार, ठेकेदार, दलाल, बिचौलिए ले गए। वहीं हमारी सरकार जो प्रधानमंत्री किसान सम्मान निधि योजना लेकर आई है उसका लाभ देश के 12 करोड़ किसानों को मिलना सुनिश्चित हुआ है। कुछ दिन पहले ही करोड़ों किसानों के खाते में दो हजार रुपये की पहली किश्त पहुंच भी गई है। जिन किसानों के खाते में पैसे नहीं आए हैं, उन्हें भी बहुत ही जल्द इसका लाभ मिलने वाला है।

साथियो, ये योजना इतनी बड़ी है कि आने वाले दस वर्ष के तहत साढ़े सात लाख करोड़ रुपये किसानों के खाते में सीधे पहुंच जाएंगे। सोचिए, देश के गांवों को, किसानों को, ग्रामीण अर्थव्यवस्था को इससे कितनी बड़ी ताकत मिलने जा रही है। इससे अमेठी के भी हजारों किसानों को बहुत फायदा होगा। खाद खरीदना हो, बीज खरीदना हो, बिजली का बिल भरना हो, कौटुम्बिक खरीदना हो, ऐसे तमाम काम वो इस पैसे से कर पाएगा।

भाइयो और बहनों, किसान हो, जवान हो या फिर हमारे देश के नौजवान बेटे-बेटियां हों, आपका ये प्रधान सेवक आज काम कर पा रहा है तो इसके पीछे आपकी शक्ति है, आपका आशीर्वाद है। आपका ये उत्साह देख करके मैं कह सकता हूँ कि अमेठी और अमेठी के लोग नया इतिहास रचने जा रहे हैं। एक ऐसा इतिहास, जिसकी गूंज पूरे देश में सुनाई देगी।

साथियो, मैं अमेठी के विकास के अनेक काम कराने वाली स्मृतिजी को भी विशेष धन्यवाद देता हूँ। साथ में फिर एक बार रूस के राष्ट्रपति पुतिन जी, जिनका संदेश देश की पहली रक्षामंत्री निर्मलाजी ने पढ़ा; उनको भी धन्यवाद देता हूँ, और दुनिया ने भारत की नारी शक्ति क्या होती है, अब भलीभांति समझ लिया है। जिस देश की रक्षामंत्री नारी है, उसने दुनिया को दिखा दिया कि देश की रक्षा के लिए कैसे कदम उठाए जाते हैं।

एक बार फिर, अमेठी से इतनी बड़ी मात्रा में इस विराट जनसागर को मैं यहां देख रहा हूँ। आप हमें आशीर्वाद देने के लिए आए, मैं आपका हृदयसे बहुत-बहुत आभार व्यक्त करता हूँ। मेरे साथ बोलिए-

भारत माता की - जय

भारत माता की - जय

बहुत-बहुत धन्यवाद।

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In any way atleast the work has started, because there is elections ahead, some show was necessary, however ordinary rifle was not made then aswell. Over here, don't forget that they had promised in the factory| They say that they never forget a promise, they never lie – they say very big lies. And also don't forget they had said that they will promise 1500 youths will get employment. They did promise, that they will give employment to 1500 people in the factory? Its about Amethi, I am not talking about the country. But people who talk so big have lied to people of Amethi and only 200 people have got employment, and they talk about unemployment in the whole country.

My brothers and sisters from Amethi, after waiting for so many years today is the launch of world's most modern rifle to be produced in the Ordinance Factory.

Companions, what I want to know from you is by not making modern rifles hasn't the same been injustice to our valiant soldiers? Is it injustice or not? By not optimally utilising the Ordinance Factory is it not injustice to the institutions of this place or not? By not giving employment to the youth hasn't injustice been done to them?

Companions, the previous government of the day, they didn't leave any stone unturned to ignore the security of our security forces. How they made our valiant soldiers beg for bullet proof jackets, this country needs to be reminded time and again. In the year 2009 the armed forces sought 88,000 bullet proof jackets. Without bullet proof jackets our soldiers faced bullets of the enemy and terrorists during investigations. They risked their lives while getting in an encounter with the terrorists. From 2009 till 2014, five years, fives years is not a less time, but bullet proof jackets were not brought for the armed forces. It is our government, which in the past 4.5 years has given order for more than 2,30,000 bullet proof jackets

I have come here today so I want to know from you that who are the people who made the country's valiant soldiers wait for the bullet proof jacket and

modern rifles? Who are these people? I will not take any names but you very well know who these people are. You very well know who these people are. And that's why brothers and sisters, long live India. And that's why brothers and sisters, you know I don't need to take any names.

Brothers and sisters, not just modern Bullet proof jackets, not just modern aircrafts, but even for modern tanks these people made us wait. It is our government which has made a deal for modern tanks and now these are being manufactured in India itself.

Companions, just like modern tanks our Air force has been asking for modern fighter aircraft since decades, but those who are dealing in bad faith how will they hear the demands of our Air Force. These people since years were sitting on the Rafale deal and when they knew they were losing the government they put the deal in cold storage. It is the endeavour of our government that in the coming months there will be the first Rafale fighter jet in Indian skies. But these people still for their own personal wants and selfishness want the deal to collapse, and will do anything that it fails, creating new fuss again and again.

Friends, from Supreme Court to CAG every institution is saying that Government of India has taken the right decision, at the right time and the right deal has been struck in the interest of nation. But they are going on lying and lying. What frustration out of not getting commission and kickbacks in a defence deal looks like is visible on few people's faces.

Friends, in the half-hearted way that these people didn't bother about the country's security, the same behaviour they have shown to people of Amethi. What all was said for Amethi, but today the condition of Amethi is best known to you people.

' TRUE TRANSLATED COPY '

संसाधन | Max Park | Nal Geo | ...

हिंदी समाचार / पॉलिटिक्स / राष्ट्रीय

# सफेल मुद्दे पर भाजपा का कांग्रेस पर तीखा पलटवार, राहुल को बताया झूठ बोलने की मशीन

PUBLISHED: 12 Feb 2019 12:25 AM (IST)



केंद्रीय मंत्री अरुण जेटली ने सोशल मीडिया पर सवाल उठाया कि इब्राहिम राजवंश को चुनावों के लिए आधिकारिक सितने झूठ का सहारा लिया जाएगा।

## लेटेस्ट वीडियो

- उखिला मतिहर कर का भीषण पटो पर महापंचायत
- राजस्थान कांग्रेस के सुचिन प्रयास बोलें- धनिया की आड़ में राजनीति च रही सज
- राजदीप सुरजवाला ने BJP के निकट पर कहां मोदी का मुल भरे कासिने फासी

भाजपा को नहीं दिखती। सफेल मुद्दे को जिंदा रखने की कोशिश में जुटी कांग्रेस पर भाजपा ने तीखा पलटवार किया है। संसद के भीतर गृहमंत्री राजनाथ सिंह ने कांग्रेस पर 'जनता की आंख में धूल झांकने की राजनीति' करने का आरोप लगाया, तो केंद्रीय मंत्री अरुण जेटली ने सोशल मीडिया पर सवाल उठाया कि इब्राहिम राजवंश को चुनावों के लिए आधिकारिक सितने झूठ का सहारा लिया जाएगा। जबकि संसद के बाहर कांग्रेस मंत्री रविशंकर प्रसाद ने राहुल गांधी की झूठ बोलने की मशीन बताते हुए उनपर विदेशी कंपनियों के लिए लॉडिंग करने का आरोप लगा दिया।

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संसदीय मुद्दों पर लोकसभा के भीतर निर्णयों करने और जेएनए की भागीदारी को प्रोत्साहित करने के लिए विपक्ष द्वारा उठाये गए सारे मुद्दों का बिन्दुवार जवाब दिया जा चुका है। फिर भी कांग्रेस एक झूठ को बार-बार दोहराकर इसे सच मानित करने की कोशिश में जुटी है।

राजनाथ सिंह ने कहा कि लोकतंत्र में राजनीति जगता की आंख में आंख भिलाकर की जाती है, लेकिन कांग्रेस झूठ के सहारे जगता की आंख में धूल डोकने की राजनीति कर रही है। राजनाथ ने बताया कि सुप्रीम कोर्ट ने राफेल पर सरकार को इलीन विट दे चुकी है, लेकिन कांग्रेस उसे भी मानने को तैयार नहीं है।

वही अरुण जेटली ने फेसबुक पर लिखे पोस्ट में सीएजी रॉनीव महर्षि की निष्पक्षता पर सवाल उठाने को लेकर कांग्रेस नेता कपिल सिब्बल को आड़े हाथों लिया। जेटली ने आरोप लगाया कि एक झूठे हुए राजवंश को सचाने के लिए कांग्रेस के सभी नेता झूठा प्रचार करने में जुटे हैं।

जेटली ने साफ किया कि 2014 में आशीष महर्षि आर्थिक मामलों के सचिव थे और वरिष्ठ सचिव होने के नाते उन्हें वित्त सचिव का भी दायित्व दिया गया था। लेकिन राफेल सौदे से उनका दूर-दूर तक कोई ताला नहीं था। जेटली के अनुसार सभी सरकारी खरीद की मजूरी की फाइल व्हाय सचिव के पास जाती है, न कि वित्त या आर्थिक मामलों के सचिव के पास।

जेटली ने आरोप लगाया कि सीएजी की रिपोर्ट देखें बिना ही कांग्रेस ने सीएजी की मंशा पर सवाल उठा दिया ताकि इसकी झूठ की दुकान चलती रहे।

वहीं कानून मंत्री विशंकर प्रसाव ने एयरबस कंपनी के आंतरिक ईमेल के राहुल गांधी के पास पहुंचने पर सवाल उठाने हुए कहा कि कांग्रेस अधिकांश विदेशी कंपनियों के लिए दायित्व करती है। उनके जिस एयरबस के ईमेल को दिखाया जा रहा है, उसके खिलाफ संगणक सरकार के दौरान हुए सौदे की जांच हो रही है, उसके दौरान को हान ही में दुबई से लाया गया है।

विशंकर प्रसाव ने कहा कि ईमानदार प्रधानमंत्री नरेंद्र मोदी पर उभरी उठाने के बचकर ही राहुल गांधी अपने ही खेले पर कीचड़ माल रहे हैं।

Posted by: Bhupendra Singh

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पूर्व अगले सवाल चुनाव 2019

लोकसभा क्षेत्र नेता पार्टी

ELECTIONS | 4 Min Ago  
Lok Sabha Election 2019: विभाजन की धूल भूलीया में उलझने नहीं, जनता की विचार संपन्न

ELECTIONS | 4 Min Ago  
Lok Sabha Election 2019: अखिलेश यादव ने कहां भाजपा की बात भी चलाय से शुरू होकर बड़ी पर संभावित

ELECTIONS | 4 Min Ago  
Lok Sabha election 2019: किकेटर राठी की पत्नी उर्सनी जहां वोट डालने की लकवा से पहली अंगरोगा

ELECTIONS | 5 Min Ago  
Srinagar, Udhampur Lok Sabha Election 2019 LIVE: कथमपुर में वॉटर कटायन, घंटों में भी वोटपत्र निकल रहे लोग

ELECTIONS | 6 Min Ago  
राज्य चर्चों की दौरान थर्मल प्रधान को बैठक आना था, BJP में की कार्यवाही की रण

IPL की खबरें

CRICKET | 3 Min Ago  
IPL 2019: भारतीय की हार्दिक की तारीफ, कहां वापसी के हाव में अरुण किकेटर

CRICKET | 3 Min Ago  
IPL 2019: MI vs DC इन से तिसरा वरदान अरुण अरुण ने बताने संपन्न बढ़ा चिता

CRICKET | 4 Min Ago  
IPL 2019: MI vs DC मुंबई ने तिसरी मिडली हाथ का बंदल, दिल्ली को उलट पर में हराया

CRICKET | 4 Min Ago  
IPL 2019: DC vs MI मुंबई की मिला

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In the attempt to keep the Rafael issue live, the BJP has reversed tension. Within the House, Home Minister Rajnath Singh accused the Congress of doing "politics of dust in the eyes of the public", then Union Minister Arun Jaitley questioned the social media about how many lies will ultimately be used to save the dubbed dynasty. While outside the Parliament, Law Minister Ravi Shankar Prasad accused Rahul Gandhi of being a lying machine and accused him of lobbying for foreign companies.

Congress trying to prove a truth by repeatedly speaking a lie

Responding to Congress MPs demanding slogan in the Lok Sabha on the Rafael issue and demanding JPC, Rajnath Singh said that the issue has been debated within the House and all the issues raised by the Opposition have been given a descriptive answer. Yet the Congress is engaged in trying to prove the truth by repeatedly speaking a lie.

Rajnath Singh said that in the democracy, politics is done in the eyes of the public, but the Congress is doing politics of lying in the eyes of the people with the help of lies. Rajnath said that Supreme Court too has given a clean chit to Government, but Congress refuses to believe the same.

At the same time, Arun Jaitley took the Congress leader Kapil Sibal to a question about the fairness of CAG Rajiv Maharishi in a post written on the Facebook. Jaitley alleged that all the leaders of the Congress are busy spreading false propaganda to save a dying dynasty.

Jaitley clarified that in 2014 Ashish Maharishi was the Secretary of Economic Affairs and being the senior secretary, he was also given the responsibility of the Finance Secretary. But there was no relationship from Rafael's deal. According to Jaitley, file expenditures for approval of all government purchases goes to the Secretary, not the Secretary of Finance or Economic Affairs.

Jaitley alleged that even without seeing the report of the CAG, Congress questioned the intention of the CAG so that its lie shop continued.

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While Law Minister Ravi Shankar Prasad questioned the arrival of Airbus Company's internal email to Rahul Gandhi, the Congress president has been lobbying for foreign companies. The deal between the Airbus emails being displayed to them is being investigated against the UPA government, its broker has recently been brought from Dubai.

Ravi Shankar Prasad said that in the wake of the upright Prime Minister Narendra Modi, Rahul Gandhi was stabbing his own face.

**Transcript of Narendra Modi's Rafale Question during ANI Interview telecasted on 1 January 2019.**

पत्रकार : राहुल गांधी ने सीधा-सीधा आप पर Corruption, Crony Capitalism इसका allegation किया है लेकिन आप चुप रहे आपने कभी कुछ नहीं कहा। उन्होंने कहा कि अनिल अंबानी आपके दोस्त है। Offset में आपने उनका नाम लेकर फ्रांस के President पर pressure डाला। Dassault पर pressure डाला और उसकी वजह से राफेल खरीदना पड़ा, ज्यादा दाम देकर खरीद ना पड़ा। लेकिन आप कोई सफाई नहीं दे रहे हैं, आपकी पार्टी के लोग दे रहे हैं आपने कुछ नहीं किया और सीधा-सीधा आप पर इल्जाम था।

प्रधानमंत्री मोदी : नम्बर 1 ये मेरे पर व्यक्तिगत आरोप नहीं है, एक सरकार पर आरोप है, सरकार पर आरोप है। मेरे पर व्यक्तिगत आरोप है तो उनको खोज कर के निकाल ना चाहिए कि किसने दिया, क्या दिया, कहां दिया, कहां रखा सब, निकालना चाहिए

दूसरी बात है कि संसद में मैंने विस्तार से इसका जवाब दिया है। जहां भी मुझे पब्लिक में बोलने का मौका मिला है मैंने इसे विस्तार से बताया है

तीसरी बात है सुप्रीम कोर्ट तक मसला clear हो चुका है। सुप्रीम कोर्ट ने उसके बाल की खाल उधेड़ करके सारी चीजें निकाल करके रख दी है। फ्रांस के राष्ट्रपति जी ने बयान दे दिया है, भारत के प्रधानमंत्री ने बयान दे दिया है। उनको इतना कर लीजिए। जितने सवाल मुझे पूछ रहे हैं। वेज भी बोले आप इतना कोई मीडिया में हिम्मत होनी चाहिए उनको पूछें कि ठहरिए भाई आप बताइए सिद्ध कीजिए जो आप आरोप लगा रहे हैं हमें बताइए। ऐस पत्थर मार करके भाग मत जाइए, कीचड़ उछाल करके भाग मत जाइए।

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Journalist: Rahul Gandhi has directly accused you of corruption, Crony Capitalism, but you are silent, you never said anything. He said that Anil Ambani is your friend. In the offset you put pressure on President of France for his name and put pressure on Dassault and due to that, Rafale was brought on higher cost. But you are not giving any explanation. People of your party are giving but you did nothing as this was a straight forward blame on you.

Prime Minister Modi: No. 1 This is not a personal charge on me, This is a charge against a government, charge on the government. If there is a personal allegation on me, then they should find out who gave, how much given, where was given, where was kept, everything should be investigated.

Secondly, in Parliament, I have answered in detail. Wherever I have the opportunity to speak in public I have explained it in detail.

Third point is even till Supreme Court the matter has been cleared. The Supreme Court has thrashed out all the issues threadbare in detail. The Prime Minister of France has given a statement, Prime Minister of India has given a statement. At least do them so much that when they ask something media should have courage to ask them to prove the allegation they are making. Shoot and scoot will not work, mudslinging will not work.

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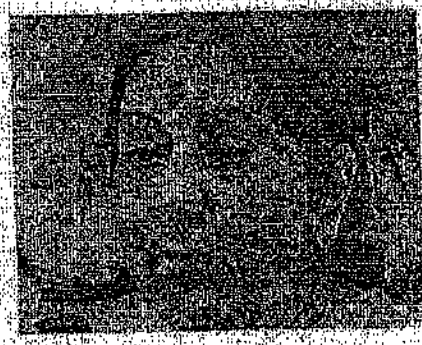
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	39,140 ↑ 135.50	11,762 ↓ 54.35	31,467.0 ↓ 13	69.34 ↑ 0.25	₹252.10		ENGLISH

# All issues raised by Congress on Rafale clarified by Supreme Court: Sushma Swaraj

By PTI | January 2016 02:48 PM IST

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New Delhi: Asserting that every issue raised by the Congress on Rafale deal has been clarified by the Supreme Court, External Affairs Minister Sushma Swaraj on Thursday said that there is no controversy in the matter, except in minds of the opposition party leaders.



The project was reviewed in March last year, when the rate of power per unit and setting up of a reference plant were also discussed.

Unhappy by the ministers reply during the Question Hour, the Congress members, including former prime minister Manmohan Singh staged a walkout.

Congress leader Anand Sharma in his supplementary query demanded that the government make public the minutes of the meeting of Prime Minister Narendra Modi and former French President Francois Hollande held last year on the Rafale deal in a bid to settle the controversy once for all.

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To this, Swaraj said, "Anandji, there is no controversy. Controversy is there in your mind. All the controversy issues that you (Congress) raised, the Supreme Court has clarified on each of them. Please don't use the word controversy again."

She said, "The whole country knows there is no controversy. The Supreme Court has cleared each issue. If you still think there is a controversy, then no one can reply."

To a query raised by Shiv Sena member Sanjay Raut if there was any discussion on the Rafale deal during the recent visit of French Foreign Minister Jean-Yves Le Drian to India, Swaraj said, "There was no discussion on the matter."

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"On that day, the Supreme Court verdict (on Rafale deal) was pronounced. He (French Minister) was very happy. He expressed joy and said there was no need to have discussion," she said.

On the Indo-French fund for developing script for co-production of films, the Minister said the French delegation had visited Mumbai and had discussion with representatives of Bollywood besides meeting the state chief minister.

To another query on the Jaitapur Nuclear Power project, Swaraj said that an agreement was signed on March 23, 2016 to set up a plant. France's EDF and India's NPCIL are looking into it.

"Six EPR units are to be set with each unit having a capacity of 1650 megawatt. Once it is ready, it will be the world's largest nuclear plant," she said.

The project was reviewed in March last year, when the rate of power per unit and setting up of a reference plant were also discussed.

"We will proceed after seeing the model plant. We have decided about the dates," she added.

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### Rafale - Lies, Shortlived Lies and now further Lies

Posted on December 16, 2018. No Comments. admin

All the lies spoken on the Rafale deal have been exposed. The Supreme Court judgement is clear. Every word said against the Government has proved to be false. Every "fact" stated by the vested interests against the deal has proved to be manufactured. Truth has once again established its primacy. The creators of falsehood will still persist with falsehood even at the cost of their own credibility. Only their captive constituencies will clap.

#### The credentials of the disruptors

Rafale is a combat aircraft with its weaponry required to improve the strike ability of the Indian Airforce. India is geographically located in a sensitive region. It needs to protect itself. The need for such a weapon cannot be overstated. When such defence equipments are purchased obviously some suppliers loose out. The suppliers are clever people. They understand who the "vulnerable" in India are.

As a political opponent Rahul Gandhi's opposition to the deal was a desperate attempt. It was the UPA Government which had shortlisted the Rafale as it was technically the best and the cheapest. PM Modi in an inter-Governmental agreement struck a deal with the French Government to further improve the terms and conditions including the prices on which the UPA had agreed.

#### Rahul's opposition was obviously for three reasons :-

Firstly, he could not tolerate the fact that PM Modi has run the cleanest ever Government in recent Indian history. It is a scam-free Government where middlemen and scamsters had to take refuge outside the country.

Secondly, Rahul Gandhi lies the burden of a stigmatised legacy which was tainted by Bofors. He was desperate trying to bring an "impartial equivalence" between Rafale and Bofors. But Rafale did not have middlemen, no kickbacks and obviously no Ottawa Quattrocci.

Thirdly, with international cooperation and Governmental cooperation, scamsters of the UPA Government are now being extradited into India. There is obviously a scare of who will talk how much.

Rahul Gandhi gets instant support from the "career nationalists" of Lutyens Delhi. The permanent PII petitioners have always preferred disruptions over concerns of national security. They are willing to cooperate with any one who hurts India. A new job creation has taken place in Delhi with the loud mouths on hire and "subject experts" notwithstanding their conflict of interest. The disruptionists alliance was, therefore, quite wide.

#### The lies that were spoken

The fundamental truth that Rafale was a choice both for quality and price by the UPA was forgotten.

The first lie was that only one man - the Prime Minister decided the transaction and that no discussion with the Air Force, Defence Ministry or the Defence Acquisition Council was held. It was alleged that there was no Price Negotiation Committee, no Contract Negotiation Committee and no approval of the Cabinet Committee on Security. Every fact was false. There were dozens of

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### **Rafale – Lies, Shortlived lies and now further lies**

All the lies spoken on the Rafale deal have been exposed. The Supreme Court judgement is clear. Every word said against the Government has proved to be false. Every "fact" stated by the vested interests against the deal has proved to be manufactured. Truth has once again established its primacy. The creators of falsehood will still persist with falsehood even at the cost of their own credibility. Only their captive constituencies will clap.

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The judgement of the Supreme Court notes with satisfaction that procedural compliances have been done and the charges on the same are misconceived.

The second major lie was that as against 500 Million Euros negotiated by the UPA, the NDA paid 1600 Million Euros per aircraft. This accusation was 'fiction writing' and a poor one at that. The Government submitted a sealed cover before the Supreme Court giving details in a comparative chart of the UPA era pricing and the present pricing. It showed that for the first aircraft, Government negotiated a 9% cheaper deal for a bare aircraft and 20% cheaper for a weaponised aircraft compared to the UPA. Since the UPA had negotiated the supply of 18 aircrafts, this gain of 9% and 20% would have further expanded with the supply of aircrafts after the first one since a more favourable escalation clause negotiated by the NDA Government would have further widened the price gap. The Court looked into the prices and never commented adversely on the same.

The third major lie that the judgement of the Court expressed was that the Government of India favoured a particular business house. The Court noticed that the Government has nothing to do with the choice of the offset suppliers which was entirely done by Dassault.

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After the Court judgement, this debate should have come to an end. But neither lobbyists nor political opponents will ever give up their brief.

### **The misconceived demand for a Joint Parliamentary Committee (JPC)**

The opponents of Rafale had a choice of their forum to put their facts, they chose Supreme Court as their forum.

The Court conducts a judicial review, it is a non-partisan, independent and a fair Constitutional authority. The Court's verdict is final. It can't be reviewed by anyone except by the Court itself. How can a Parliamentary Committee go into the correctness or otherwise to what the Court has said. Is a Committee of Politicians both legally and in terms of human resources capable of reviewing issues already decided by the Supreme Court? On areas such as procedure, offset suppliers and pricing, can a Parliamentary Committee take a different view of what the Court has said? Can the contract be breached, nation's security be compromised and the pricing data be made available to Parliament / its Committee so that national interest is severely compromised with? This would be putting the price details of the weaponry in public domain. What was the experience of Joint Parliamentary Committee (JPC) on the only occasion when they investigated a defence transaction?

The B. Shankaranand Committee in 1987-88 went into the Bofors transaction. Since Parliamentarians are always split on party lines, it came out with a finding that no kickbacks were paid and the monies paid to the middlemen were 'winding up' charges. At that time only Win Chaddha appeared to be a middlemen. But then others including Ottavio Quattrocchi, whose bank accounts got detected subsequently, were not entitled to any winding up charges. The reports / documents published by Chitra Subramaniam and N. Ram in 'The Hindu' and all subsequent facts which came to light conclusively established each fact mentioned in the JPC to be factually false. It became a cover up exercise. After the Supreme Court has spoken the last word, it gets legitimacy. A political body can never come to a finding contrary to what the Court has said.

### **The CAG ambiguity**

Defence transactions go to the CAG for an audit review. CAG recommendations go to Parliament and are referred to the Public Accounts Committee (PAC) whose reports are then placed before the Parliament. This was factually and accurately stated by the Government before the Court. The audit review of Rafale is pending

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before the CAG. All facts are shared with it. When its report is out, it will go to the PAC. Notwithstanding this factually correct statement made, if an ambiguity has emerged in the Court Order, the correct course is for anyone to apply / mention before the Court and have it corrected. The past practice is that if in a factual narration anything needs to be corrected, any litigant can move to the Court for the same. This has been done. It must now be left to the wisdom of the Court to state at which stage the CAG review is pending. The CAG review is not relevant to the final findings on procedure, pricing and offset suppliers. But bad losers never accept the truth. Having failed in multiple lies they have now started an innuendo about the Judgement. Having failed in their initial falsehood, the Congress is now manufacturing further lies about the Judgement.

I am certain that the Congress Party will prefer disruptions over discussion on Rafale during the current session of Parliament. On facts it lied. The judgement of the Supreme Court conclusively establishes the Congress Party's vulnerabilities in a discussion on defence transactions. It will be a great opportunity to remind the nation of the legacy of the Congress Party and its defence acquisitions – a great opportunity indeed for some of us to speak.

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IN THE SUPREME COURT OF INDIA  
CRLMP. NO. \_\_\_\_\_ OF 2019  
IN  
CONT.PET. (CRL.) NO.3 OF 2019  
IN  
R.P. (CRL.) NO.46 OF 2019  
IN  
W.P. (CRL.) NO. 298 OF 2018

**IN THE MATTER OF:**

MEENAKSHI LEKHI

...PETITIONER

VERSUS

RAHUL GANDHI

... RESPONDENT

**APPLICATION FOR EXEMPTION FROM FILING OFFICIAL  
TRANSLATION OF ANNEXURES**

TO,  
THE HON'BLE THE CHIEF JUSTICE OF INDIA  
AND HIS COMPANION JUSTICES OF THE  
HON'BLE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF THE  
ANSWERING RESPONDENT:

**MOST RESPECTFULLY SHOWETH:**

1. The accompanying Affidavit in the instant contempt petition is being filed by the answering Respondent pursuant to order of this Hon'ble Court dated 15.04.2019. It is the case of the answering Respondent that that there was not the slightest intention to insinuate anything regarding the Supreme Court proceedings in any manner. The answering Respondent holds this Hon'ble Court in the highest esteem. Furthermore, the answering Respondent has not done nor remotely intends to do anything to lower the majesty of this Hon'ble Court in

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any manner whatsoever. The contents of the accompanying Affidavit are not repeated for the sake of brevity and may be read as part and parcel of the present application.

2. That the answering Respondent has filed Annexure R-1 and certain annexures which are part of Annexure R-4 which were originally in Hindi but they are true English Translations of their respective originals.
3. That the matter is urgent and thus the answering Respondent is not able to file the official English Translations of the same.

#### PRAYER

It is therefore most respectfully prayed that this Hon'ble court may be pleased to:

- a) Exempt the answering Respondent from filing the official translation of Annexure R-1 and certain annexures under Annexure R-4 which have been filed along with the accompanying Affidavit; and/or
- b) Pass any such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in interest of justice.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY

Filed by:

(Advocate for the Respondent)

DATE:  
PLACE: